



Journal of the Senate

Number 15

Wednesday, March 24, 1993

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

Mr. President	Diaz-Balart	Jennings	Siegel
Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Boczar	Foley	Kirkpatrick	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	

Excused: Senator Grogan; Senator Bankhead from 10:40 a.m. to 12:00 noon for the purpose of working on Welfare Reform; Senator Scott, periodically, for the purpose of working on Appropriations

PRAYER

The following prayer was offered by the Rev. Gene Smith, Pastor, First Baptist Church, New Port Richey:

Heavenly Father, we give you thanks this day for the blessings of life, liberty and the opportunity for pursuit of happiness. We honor you as the creator and friend of man.

We know, O God, that your will for us is peace and harmony and that your way is the way of attainment of these goals. We pray, therefore, that the truth of scripture may be etched in our minds that we are to "Trust in the Lord with all our heart and lean not unto our own understanding," for we know that "if we acknowledge you in all our ways that you shall direct our paths."

I pray, therefore, that this esteemed body which handles so many things critical to the life of this state, may have the wisdom imparted from a heavenly source, that their actions may be cause for the outworking of your will on earth and that our state by example may be a light-house and beacon for others to follow in the quest of man to righteously govern himself.

Father, these things we pray in order that "Thy will may be done on earth as it is in heaven." In the name of our Saviour, we pray it. Amen.

PLEDGE

Senate Page, Kevin Clark, of Ocala led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Weinstein, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senators Weinstein, Beard, Brown-Waite, Burt, Casas, Crist, Foley, Forman, Grant, Grogan, Gutman, Johnson, Kirkpatrick, Kurth, Siegel, Silver, Turner, Williams and Hargrett—

SR 2402—A resolution celebrating March 24, 1993, as "Children's Day."

WHEREAS, the people of Florida recognize and celebrate children as the most valuable asset of this state, and

WHEREAS, children represent the hope and inspiration for the future, and

WHEREAS, the ideas and dreams of children should be nurtured by adults who take time to listen, and

WHEREAS, most single parents must work in order to remain self-sufficient, and

WHEREAS, in many families, both parents must work in order to be self-sufficient, and

WHEREAS, young children need a safe, caring environment in which to grow and learn while their parents work, and

WHEREAS, young children need developmentally appropriate activities and experiences in order to develop good self-esteem and become productive citizens, and

WHEREAS, young children have the right to receive quality child care, and

WHEREAS, in this state, 53,000 children received subsidized child care in 1992, and

WHEREAS, 19,000 children, including 16,100 infants and preschool-age children are waiting for subsidized child care in this state, and

WHEREAS, 2,940 children in this state are waiting for subsidized after school care, and

WHEREAS, the celebration of a day in honor of children will stress to them their importance in the future of our country, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate celebrates March 24, 1993, as "Children's Day" in recognition of the important role that children have in determining the future of our state and country.

On motion by Senator Weinstein, **SR 2402** was read by title and was read the second time in full and adopted.

On motion by Senator Casas, by two-thirds vote **SR 2028** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Casas—

SR 2028—A resolution commending the "Brothers to the Rescue" for heroic and humanitarian rescue efforts.

WHEREAS, The United States has long shone as a beacon of hope and freedom to all persons who have faced oppression, and

WHEREAS, Cuba has been under a dictatorial, communist, regime for over 33 years, protected by a wall of water known as the Caribbean Sea, and that regime has forced thousands of Cubans to seek freedom and refuge on our shores by any possible means, and

WHEREAS, many Cubans seeking freedom here have taken to the sea in small rafts, inner tubes, and other unseaworthy vessels, and

WHEREAS, many people have died in their journey to freedom on our shores, and

WHEREAS, the "Brothers to the Rescue" was created by a group of pilots in 1991 to search the sea for rafters seeking freedom, and

WHEREAS, the "Brothers to the Rescue" is made up of pilots from many nations, including the United States, Argentina, Canada, Cuba, and Russia, and has been recognized by the United States Coast Guard for its humanitarian efforts, and

WHEREAS, the "Brothers to the Rescue" has lost two planes as a result of crash landings, the most recent crash resulting in injury to Jorge A. Lares, who has been left partially paralyzed, and

WHEREAS, these pilots have saved 548 persons to date, including a Haitian family, and

WHEREAS, the "Brothers to the Rescue" will continue to act as the "Eyes in the Sky" for all who seek freedom, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the pilots who are members of the "Brothers to the Rescue" for their heroic and humanitarian acts that have saved the lives of thousands of persons who have fled the oppression of the Communist government in Cuba for safety and freedom in the United States.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

Special Guests

Senator Casas introduced the following members of "Brothers to the Rescue" who were seated in the chamber: Jose Basulto, President; Billy Shus, Esteban Bono-Caras and Juan Gonzalez.

Upon request of the President, Senator Casas escorted the guests to the rostrum where they were presented a copy of the resolution.

On motion by Senator Bankhead, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Bankhead—

SR 2404—A resolution recognizing the week of March 21st through March 27th, 1993, as Poison Prevention Week.

WHEREAS, all residents of this state should be made aware of the ever present dangers posed by potentially poisonous household substances, and

WHEREAS, our youngsters too often have access to commonly used drugs and medicines and to potentially toxic household products, such as polishes, cleaners, lighter fluids, antifreeze, and paint solvents, and

WHEREAS, many state and voluntary organizations have been instrumental in awakening the public to the need for poison prevention, including the proper use of child-protective packaging, and

WHEREAS, the latest nationally released figures show continued declines in the accidental ingestion by children of household products, but it is clear that our efforts must continue until no child is accidentally poisoned, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the week of March 21st through March 27th, 1993, as Poison Prevention Week.

BE IT FURTHER RESOLVED that the Florida Senate applauds the efforts of the state and volunteer organizations that inform and educate people concerning the prevention of poisoning, and that this legislative body encourages those organizations to continue their efforts until every child is safe from the danger of accidental poisoning.

On motion by Senator Bankhead, **SR 2404** was read by title and was read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jennings, by two-thirds vote **CS for HB 77** was withdrawn from the Committee on Natural Resources and Conservation; **CS for SB 464** was withdrawn from the Committee on Community Affairs; **CS for CS for SB 1694** was withdrawn from the Committees on Governmental Operations; and Rules and Calendar; **Senate Bills 12, 1478, 1796, CS for SB 744 and CS for SB 2130** were withdrawn from the Committee on Health and Rehabilitative Services; **CS for SB 330 and CS for SB 1184** were withdrawn from the Committee

on Community Affairs; **CS for SB 1116** was withdrawn from the Committee on Judiciary; **CS for SB 1518** was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; **SB 1856** was withdrawn from the Committee on Natural Resources and Conservation; **SB 1978** was withdrawn from the Committee on Transportation; and **SB 1316** was withdrawn from the Committee on International Trade, Economic Development and Tourism.

On motions by Senator McKay, by two-thirds vote **SB 1864** was withdrawn from the committees of reference and further consideration.

On motions by Senator Kiser, by two-thirds vote **Senate Bills 514, 1742, 2108, 1626, 1080** and **CS for SB 144** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Scott, by two-thirds vote **CS for SB 146** and **Senate Bills 1080 and 2214** were removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote **CS for SB 1818, SB 36, SB 188, CS for CS for SB 344, SB 628, SB 712, CS for SB 1038, SB 1086, SB 1120, CS for SB 1208, CS for SB 1216, CS for SB 1260, CS for SB 1328, CS for SB 1582, SB 1602, SB 1644, CS for SB 1710, CS for SB 1714, CS for SB 1764, CS for SB 1910 and SB 1946** were withdrawn from the Committee on Appropriations.

On motions by Senator Williams, by two-thirds vote **SB 1036** was withdrawn from the committees of reference and further consideration.

APPOINTMENT OF SELECT SUBCOMMITTEE

Senator Kiser announced the appointment of the following members to the Select Subcommittee on Claims of the Committee on Finance, Taxation and Claims: Senator Crist, Chairman; and Senators Siegel and Boczar.

COMMITTEE MEETING CHANGE

On motion by Senator Jennings, the rules were waived and the Select Subcommittee on Claims of the Committee on Finance, Taxation and Claims was granted permission to meet March 25 from 8:00 a.m. until 9:00 a.m.

On motions by Senator Kiser, the rules were waived and the Select Subcommittee on Claims of the Committee on Finance, Taxation and Claims was granted permission to consider **Senate Bills 96, 474, 612, 768** and **CS for HB 163** at the meeting March 25.

On motions by Senator Kiser, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to add **Senate Bills 2152, 360, CS for SB 1618** and **CS for SB 1272** to the agenda at the meeting on March 25.

MOTIONS

On motions by Senator Jennings, the rules were waived and by two-thirds vote **CS for SB 1194** was added to the Special Order Calendar to be considered at 2:00 p.m.

On motions by Senator Hargrett, the rules were waived and **Senate Bills 2274, 2276, 2278, 2280, 2282, 2284, 2286, 2288, 2290, 2292, 2294, 2296, 2298, 2300, 2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316, 2318, 2320, 2322, 2324, 2326, 2328, 2330 and 2332**, which passed March 18, were ordered immediately certified to the House.

On motion by Senator Beard, the rules were waived and **CS for SB 382**, which passed March 18, was ordered immediately certified to the House.

On motions by Senator Jennings, the rules were waived and by two-thirds vote **CS for CS for SB 42, CS for SB 1614, Senate Bills 1872, 2084, 2190, CS for SB 588** and **Senate Bills 816, 1318, 1706, 1760 and 2060** were added to the end of the Special Order Calendar this day.

On motion by Senator Jennings, by two-thirds vote all bills remaining on the Special Order Calendar this day were set as the Special Order Calendar for Thursday, March 25.

RECONSIDERATION

On motion by Senator Bankhead, the rules were waived and the Senate reconsidered the vote by which—

SB 2338—A bill to be entitled An act relating to the St. Augustine Port, Waterway and Beach District; amending s. 14, ch. 18879, 1937, as amended; providing for staggered terms of office for members of the St. Augustine Port, Waterway and Beach Commission; designating members of the commission until members are elected at the next general election; providing voting requirements and election procedures; providing an effective date.

—passed March 18.

On motion by Senator Bankhead, by two-thirds vote the Senate reconsidered the vote by which **SB 2338** was read the third time.

On motion by Senator Bankhead, by two-thirds vote **HB 781** was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Bankhead, by two-thirds vote—

HB 781—A bill to be entitled An act relating to the St. Augustine Port, Waterway and Beach District, St. Johns County; amending s. 14, ch. 18879, Laws of Florida, 1937, as amended; staggering terms of office of commissioners of the district; changing commissioners' terms of office; providing voting requirements and election procedures; providing an effective date.

—a companion measure, was substituted for **SB 2338** and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 781** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SPECIAL ORDER

On motions by Senator Bankhead, by two-thirds vote **HB 1819** was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Bankhead—

HB 1819—A bill to be entitled An act relating to the Florida Financial Institutions Code; amending s. 655.005, F.S.; revising certain criteria in the definition of "imminently insolvent"; amending ss. 655.012, 655.0385, 655.043, 655.045, 655.411, and 657.043, F.S.; clarifying certain provisions of the Florida Financial Institutions Code; amending s. 655.948, F.S.; clarifying provisions relating to events for which disclosure forms must be filed; amending s. 657.008, F.S.; correcting a cross reference; amending s. 657.021, F.S.; deleting certain duties of directors of certain financial institutions upon taking office; amending s. 657.066, F.S.; requiring federal credit unions converting to state credit unions to pay certain fees under certain circumstances; amending s. 658.34, F.S.; requiring certain bank or trust company shares to be issued at a certain price; amending s. 658.68, F.S.; clarifying certain liquidity requirements of state banks; amending s. 658.73, F.S.; requiring certain financial institutions to pay an examination fee under certain circumstances; amending s. 665.013, F.S.; revising applicability of certain provisions of law to certain associations; providing an effective date.

—a companion measure, was substituted for **CS for SB 336** and read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 1819** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of **SB 656** was deferred.

On motion by Senator Brown-Waite, by two-thirds vote **HB 259** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Brown-Waite—

HB 259—A bill to be entitled An act relating to payment bonds on public construction projects; amending s. 255.05, F.S.; adding language

clarifying that the 1-year limitation period is applicable only to payment bonds and payment provisions of combined payment and performance bonds; providing an effective date.

—a companion measure, was substituted for **SB 792** and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 259** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 656—A bill to be entitled An act relating to probate; amending s. 731.301, F.S.; providing an additional method for service of a petition under the probate code; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **SB 656** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1958—A bill to be entitled An act relating to the Whistle-blower's Act of 1986; amending s. 112.3187, F.S.; defining the term "gross neglect of duty"; revising language with respect to the nature of information disclosed; revising language with respect to employees and persons protected; amending s. 112.3188, F.S.; revising provisions relating to the confidentiality of information given to internal auditors and inspectors general; providing for Sunset review; providing penalties; amending s. 112.3189, F.S.; substantially revising provisions relating to investigative procedures upon receipt of whistle-blower information from certain state employees; amending s. 112.31895, F.S.; revising language with respect to investigative procedures in response to prohibited personnel actions; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 3, strike all of lines 8-11

And the title is amended as follows:

In title, on page 1, lines 3 and 4, strike "defining the term 'gross neglect of duty';"

Senator Hargrett moved the following amendment which was adopted:

Amendment 2—On page 20, line 15, strike "October 1, 1993." and insert: upon becoming a law.

On motion by Senator Hargrett, by two-thirds vote **CS for SB 1958** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

On motion by Senator Hargrett, the rules were waived and **CS for SB 1958** was ordered immediately certified to the House.

CS for SB 1980—A bill to be entitled An act relating to the dispensing of hearing aids; amending ss. 468.1245, 484.051, F.S.; transferring certain authority related to the regulation of licensees who dispense hearing aids from the Division of Consumer Services of the Department of Agriculture and Consumer Services to the Agency for Health Care Administration and the Department of Professional Regulation; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 8 and 9 and insert: purchased, should be directed by the purchaser to the ~~department or agency having jurisdiction over the board~~ *Division of Consumer Services*

Senator Burt moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 3, between lines 8 and 9, insert:

Section 3. The Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists shall adopt rules requiring that each person purchasing a hearing aid be notified of telecoil, "t" coil, or "t" switch technology by the attending audiologist or hearing aid specialist. The rules shall further provide that all licensed audiologists and hearing aid specialists make available to persons information regarding telecoils, "t" coils, or "t" switches. Each board shall promulgate such rules by October 1, 1993.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 10, after the semicolon (;) insert: providing for rules to be adopted by the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists;

On motion by Senator Sullivan, by two-thirds vote **CS for SB 1980** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 84—A bill to be entitled An act relating to the municipal public service tax; amending s. 166.231, F.S.; authorizing municipalities to exempt the purchase of metered or bottled gas or fuel oil for agricultural purposes from the tax; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Siegel and adopted:

Amendment 1—On page 1, strike all of lines 11 and 12 and insert:

Section 1. Subsections (4) and (5) of section 166.231, Florida Statutes, are amended to read:

Amendment 2—On page 1, line 21, after "natural" insert: ,

Amendment 3 (with Title Amendment)—On page 1, after line 27, insert:

(5) A municipality may exempt from taxation hereunder the purchase of the taxable items by the United States Government, this state, or any other public body as defined in s. 1.01, or a nonprofit corporation or cooperative association, organized under chapter 617, which provides water utility services to no more than 13,500 equivalent residential units ownership of which shall revert to a political subdivision upon retirement of all outstanding indebtedness, and shall exempt purchases by any recognized church in this state for use exclusively for church purposes.

And the title is amended as follows:

In title, on page 1, line 6, after the semicolon (;) insert: authorizing municipalities to exempt purchases by nonprofit organizations or cooperative associations under certain circumstances;

On motion by Senator Siegel, by two-thirds vote **SB 84** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

On motion by Senator Siegel, the rules were waived and **SB 84** was ordered immediately certified to the House.

SB 1810—A bill to be entitled An act relating to the executive branch of government; amending s. 20.02, F.S.; limiting the number of departments that may be established by law; amending s. 20.03, F.S.; modifying definitions of terms relating to the structure of the executive branch;

amending ss. 20.04, 20.05, F.S.; adding definitions; removing obsolete provisions; requiring the Executive Office of the Governor to keep certain organizational charts; transferring provisions pertaining to the Governor's appointment of the Lieutenant Governor as the head of a department; revising provisions regarding the powers and duties of department heads; requiring that executive directors of departments headed by the Governor and Cabinet be confirmed by the Senate; specifying that secretaries appointed by the Governor to serve as heads of departments be confirmed by the Senate; creating s. 20.051, F.S.; providing criteria for reviews of programs, functions, and entities of the executive branch; creating s. 20.052, F.S.; providing procedures regarding the creation of advisory bodies, commissions, and boards of trustees; providing for senate confirmation of members of commissions and boards of trustees; amending s. 20.06, F.S.; revising provisions pertaining to transfer types for reorganization of agencies; amending s. 20.21, F.S.; providing for the appointment of an executive director; providing for senate confirmation; amending s. 20.24, F.S.; providing for the appointment of an executive director; providing for senate confirmation; amending s. 20.25, F.S.; providing for the appointment of an executive director; providing for senate confirmation; amending s. 20.41, F.S.; providing that the Secretary of the Department of Elderly Affairs be confirmed by the Senate; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1—On page 14, line 26, after the period (.) insert: *The definitions provided in s. 20.03 apply to this section, and*

Senator Grant moved the following amendment:

Amendment 2 (with Title Amendment)—On page 19, between lines 16 and 17, insert:

Section 12. Executive Branch Accountability Study Commission.—

(1) There is hereby created the Executive Branch Accountability Study Commission, consisting of the following members:

(a) The Lieutenant Governor, who shall be chairperson of the commission.

(b) The President of the Senate or his designee.

(c) The Speaker of the House of Representatives or his designee.

(d) The Senate Minority Leader or his designee.

(e) The House Minority Leader or his designee.

(f) Three persons appointed by the Governor.

(g) Three persons appointed by the members of the Cabinet.

(2) The commission shall study the feasibility of reorganizing the executive branch of state government to:

(a) Abolish the role of the Cabinet in the Administration Commission, the Information Resource Commission, the Board of Executive Clemency, the State Board of Administration, and the siting boards for electrical power plants, transmission lines, high-speed rail lines, magnetic-levitation transportation corridors, and hazardous waste management facilities and as the appeals body for the Florida Land and Water Adjudicatory Commission.

(b) Give the Parole Commission authority to make clemency recommendations to the Governor and the Governor sole authority to grant clemency.

(c) Transfer the functions of the State Board of Administration to the Department of Management Services.

(d) Investigate further all Cabinet-related activities and administrative functions to determine their necessity.

(3) The commission shall meet as soon as possible after the effective date of this act for the purposes of organizing and selecting a vice chairperson and a secretary. Upon organizing and selecting those officers, the commission shall meet upon the call of the chairperson.

(4) Members of the commission shall receive no compensation, but shall be reimbursed for per diem and travel expenses pursuant to section 112.061, Florida Statutes.

(5) The commission shall submit a final report to the Governor, each member of the Cabinet, the President of the Senate, the Speaker of the House of Representatives, the Senate and House Minority Leaders, and the chairpersons of the appropriate committees of the Legislature by January 1, 1994, after which the commission shall expire.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 10, after the semicolon (;) insert: creating the Executive Branch Accountability Study Commission to study the feasibility of reorganizing the executive branch of state government; providing for membership, organization, officers, and meetings; authorizing reimbursement for per diem and travel expenses; requiring submission of a final report to the Governor, the Cabinet, and appropriate members of the Legislature;

Senator Grant moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A—On page 1, line 22, strike "Minority Leader" and insert: President pro tempore

Amendment 2B—On page 1, line 26, before the period (.) insert: to be selected by a majority vote of the Cabinet

Senator Silver moved the following amendment to **Amendment 2** which was adopted:

Amendment 2C—On page 2, line 26, after the period (.) insert: The commission appointed hereunder shall expire the day after this act becomes law.

Amendment 2 as amended failed.

Senator Harden moved the following amendment which was adopted:

Amendment 3—On page 14, strike line 26 and insert: *for the proceeding. The transfers provided herein are intended to supplement but not supplant the requirements of s. 6, Art. III of the State Constitution. The types of transfers used herein are*

On motion by Senator Harden, by two-thirds vote **SB 1810** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

On motion by Senator Harden, the rules were waived and **SB 1810** was ordered immediately certified to the House.

Consideration of **SB 1634** was deferred.

CS for SB 1506—A bill to be entitled An act relating to confidentiality of public hospital records and meetings; amending s. 119.16, F.S.; revising provisions which specify documents that are confidential; requiring hospitals to report to their governing boards periodically regarding confidential records and providing requirements with respect thereto; requiring such governing boards to maintain information relating to closed meetings; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Foley and adopted:

Amendment 1—On page 2, strike all of lines 6 and 7 and insert:

(d) Documents that reveal trade secrets as defined in s. 688.002.

Senator Foley moved the following amendment which was adopted:

Amendment 2—On page 2, strike line 30 and insert: *governing board, within 10 working days after the date on*

Senator Dantzler moved the following amendment which was adopted:

Amendment 3 (with Title Amendment)—On page 1, line 14, insert:

Section 1. Paragraph (k) of subsection (3) of section 119.07, Florida Statutes, 1992 Supplement, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(k)1. The home addresses, telephone numbers, and photographs of active or former law enforcement personnel and personnel of the Department of Health and Rehabilitative Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

2. *An agency that is the custodian of the personal information specified in subparagraph 1. and that is not the employer of the officer, employee, justice, or judge specified in subparagraph 1. shall maintain the confidentiality of the personal information only if the officer, employee, justice, judge, or employing agency of the designated employee submits a written request for confidentiality to the custodial agency.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 3 and insert: records and meetings; amending s. 119.07, F.S.; revising the exemption from public records requirements for personal information relating to law enforcement, certain personnel of the Department of Health and Rehabilitative Services, certified firefighters, justices, and judges; amending s.

On motion by Senator Foley, by two-thirds vote **CS for SB 1506** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1552—A bill to be entitled An act relating to construction contracting; amending s. 489.105, F.S.; changing the term "underground utility contractor" to "underground utility and excavation contractor"; amending ss. 489.107 and 633.521, F.S.; conforming language; amending s. 489.113, F.S.; authorizing certain contractors to perform additional duties within their licenses; creating s. 489.1135, F.S.; providing for the designation of underground utility and excavation contractors; providing for certification; providing that persons licensed as underground utility contractors on the effective date of the act are automatically licensed as underground utility and excavation contractors; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1—On page 5, line 27, strike “October 1, 1995” and insert: April 1, 1994

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 1552** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motion by Senator Kirkpatrick, by two-thirds vote **HB 1149** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Kirkpatrick—

HB 1149—A bill to be entitled An act relating to armory designations; designating the armory located in St. Augustine as the Robert F. Ensslin, Jr., Armory; providing an effective date.

—a companion measure, was substituted for **SB 1634** and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 1149** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 770—A bill to be entitled An act relating to physician assistants; amending ss. 458.347, 459.022, F.S.; providing an application procedure for physician assistants previously certified by the Board of Medicine or the Board of Osteopathic Medicine to be certified by the Board of Medicine or the Board of Osteopathic Medicine; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 20 and 21 and insert:

(b) A physician assistant who has held a certificate issued under chapter 459 for a minimum of 6 months shall be certified under chapter 458

Amendment 2—On page 2, strike all of lines 17 and 18 and insert:

(b) A physician assistant who has held a certificate issued under chapter 458 for a minimum of 6 months shall be certified under chapter 459

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 770** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 674—A bill to be entitled An act relating to blood testing for impairment or intoxication; amending ss. 316.1933 and 316.1934, F.S.; authorizing performance of chemical analysis by persons under the supervision of a person with a permit, and reenacting ss. 316.066(4), 327.353(2), 790.155(2), and 550.24055(2), F.S., relating to written accident reports, blood testing of vessel operators, blood testing of firearm users, and blood testing of occupational licensees officiating at or participating in races or jai alai games, to incorporate said amendments in references thereto; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Silver and adopted:

Amendment 1 (with Title Amendment)—On page 1, lines 29-31 and on page 2, lines 1-5, strike all of said lines and insert: the Department of Law Enforcement and by an individual possessing a valid permit issued by the department for this purpose. The Department of Law Enforcement may approve satisfactory techniques or methods, ascertain the qualifications and competence of individuals to conduct such analyses, and issue permits that are subject to termination or revocation at the

discretion of the department. *Any insubstantial differences between approved methods or techniques and actual testing procedures, or any insubstantial defects concerning the permit issued by the department, in any individual case, shall not render the test or test results invalid.*

And the title is amended as follows:

In title, on page 1, strike all of lines 4-6 and insert: 316.1934, F.S.; providing for test validity when deviations from approved procedures or defects in the issuance of permits exist, and

Amendment 2 (with Title Amendment)—On page 5, strike all of lines 3-7 and insert: with methods approved by the Department of Law Enforcement and by an individual possessing a valid permit issued by the department for this purpose. Any insubstantial differences between approved techniques and actual testing procedures or any insubstantial defects concerning the permit issued by the department, in

And the title is amended as follows:

In title, on page 1, strike all of lines 4-6 and insert: 316.1934, F.S.; providing for test validity when deviations from approved procedures or defects in the issuance of permits exist, and

On motion by Senator Silver, by two-thirds vote **SB 674** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 282—A bill to be entitled An act relating to license fees for motorcycles, motor-driven cycles and mopeds; amending s. 320.08, F.S.; restricting the use of safety education fees derived from the registration of motorcycles, motor-driven cycles, and mopeds to funding a motorcycle driver improvement program or the Florida Motorcycle Safety Education Program; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for SB 282** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator Kurth, the rules were waived and **CS for SB 282** was ordered immediately certified to the House.

CS for SB 1212—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.402, F.S.; requiring certain financial statements to be printed in certain type; providing for certain notice requirements; amending s. 679.501, F.S.; providing for discharge of certain security interests under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Weinstein and adopted:

Amendment 1—On page 3, line 4, strike “20” and insert: 30

On motion by Senator Weinstein, by two-thirds vote **CS for SB 1212** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator Weinstein, the rules were waived and **CS for SB 1212** was ordered immediately certified to the House.

CS for SB 1680—A bill to be entitled An act relating to the Florida State Employees’ Charitable Campaign; creating s. 110.181, F.S.; creating the Florida State Employees’ Charitable Campaign; providing organization of campaign; providing for selection of fiscal agent; providing for a steering committee; providing participation by state universities; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendments which were adopted:

Amendment 1—On page 2, lines 12 and 13, strike “and must be designated by the contributor to one or more of the participating organizations”

Amendment 2—On page 4, line 15, after “campaign” insert: and to direct the distribution of undesignated funds

On motion by Senator Dyer, by two-thirds vote **CS for SB 1680** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator Dyer, the rules were waived and **CS for SB 1680** was ordered immediately certified to the House.

SB 452—A bill to be entitled An act relating to substance abuse; creating ss. 397.301, 397.305, 397.311, 397.321, 397.401, 397.403, 397.405, 397.406, 397.407, 397.409, 397.411, 397.415, 397.419, 397.427, 397.431, 397.451, 397.461, 397.471, 397.481, 397.501, 397.581, 397.601, 397.675, 397.6751, 397.6752, 397.6758, 397.6759, 397.677, 397.6771, 397.6772, 397.6773, 397.6774, 397.6775, 397.679, 397.6791, 397.6793, 397.6795, 397.6797, 397.6798, 397.6799, 397.681, 397.6811, 397.6814, 397.6815, 397.6818, 397.6819, 397.6821, 397.6822, 397.693, 397.695, 397.6951, 397.6955, 397.6957, 397.697, 397.6971, 397.6975, 397.6977, 397.701, 397.702, 397.705, 397.706, 397.752, 397.753, 397.754, 397.801, 397.811, 397.821, 397.901, F.S.; creating the “Hal S. Marchman Alcohol and Other Drug Abuse Services Act”; providing legislative findings, intent, and purpose; providing definitions; providing duties of the Department of Health and Rehabilitative Services; providing licensure requirements, including applications, fees, and exemptions, and providing criminal penalties and injunctive relief for violations; providing for joint regulation of certain state-operated programs; providing for a grace period for complying with newly adopted rules; providing for the issuance and renewal of probationary, interim, and regular licenses for service providers and licensable service components; authorizing the department to enter and inspect premises and records; providing for denial, suspension, and revocation of licenses and for other remedies, including an administrative fine; requiring service providers to maintain quality-assurance programs; providing for confidentiality of service provider records and of certain meetings of quality-assurance program committees; providing for review under the Open Government Sunset Review Act; providing for need determinations and selection of medication treatment providers and injunctions against unlawful operation; providing client responsibility for cost of services and requiring certain providers to establish sliding-scale fee systems; providing immunity from civil and criminal liability; requiring background checks of service provider personnel who are in direct contact with unmarried minor clients or developmentally disabled clients, and providing certain exemptions and certain disqualification from receiving state funds; providing criminal penalties for unlawful activities relating to personnel; requiring fingerprinting and providing exceptions; providing for confidentiality of personnel information; providing for review and repeal; establishing service provider owner, director, personnel, and facility standards; providing applicability of the Community Alcohol, Drug Abuse, and Mental Health Services Act; establishing the rights of clients, including the rights to judicial petition and habeas corpus and to counsel; providing for confidentiality of client records and providing exceptions; providing for review and repeal; providing for voluntary admission for persons impaired by substance abuse; forbidding local ordinances affecting impairment by means of substance abuse and providing a limited exception and petition for detention and treatment of habitual abusers in secure facilities; providing for involuntary admissions for substance-abuse services, including protective custody, emergency admission, and other involuntary admissions for purposes of assessment, stabilization, and treatment; providing for involuntary admission hearings; requiring certain parental participation; authorizing service providers, in certain circumstances, to discharge or refuse to admit clients ordered to involuntary admission and imposing related duties; providing criminal penalties for unlawful activities relating to client assessment and treatment; providing for the referral of substance-abuse-law offenders to service providers; providing for services for inmates who are substance abusers and pro-

viding definitions and duties of the Department of Corrections; requiring coordination of substance-abuse-services delivery and establishing the positions of statewide and departmental coordinators; providing for specialized substance-abuse-services coordination for juveniles, including prevention and early intervention councils and emergency assessment and treatment services; authorizing training and continuing education programs in substance-abuse treatment; amending ss. 39.01, 39.045, 39.046, 39.047, 39.063, 39.411, 90.503, 231.1713, 322.0602, 393.0657, 394.4572, 401.445, 402.22, 402.24, 402.3057, 409.1757, 415.107, 415.51, 490.014, 491.014, 627.669, 744.3215, 766.101, 790.06, 877.111, 893.15, 895.09, 939.017, 943.0585, 943.059, 945.12, 951.23, F.S., relating to juvenile justice, evidence, school personnel, the Youthful Drunk Driver Visitation Program, developmental disability and mental health personnel, medical transportation, health and rehabilitative services, social assistance, adult protective services, psychological services, counseling services, optional insurance coverage for substance-abuse treatment services, guardianship, medical review committees, weapons and firearms, chemical substances, controlled substances, forfeiture proceedings, misdemeanor convictions involving drugs and alcohol, court-ordered sealing or expunction of criminal history records, and state and county prisoners, to conform; amending s. 394.90, F.S.; authorizing the department to accept accreditation, in lieu of department inspection for licensure, for certain facilities that provide mental health services under the Community Alcohol, Drug Abuse, and Mental Health Services Act; repealing ss. 396.012, 396.022, 396.0429, 396.062, 396.072, 396.082, 396.092, 396.102, 396.105, 396.106, 396.112, 396.122, 396.131, 396.141, 396.151, 396.1515, 396.161, 396.173, 396.174, 396.175, 396.176, 396.177, 396.178, 396.179, 396.1815, 396.182, 396.052, 396.172, 396.1725, 396.032, 396.042, 396.0427, 396.181, 396.0425, 396.0815, 396.125, 396.1819, 396.1816, 396.1817, 396.1818, F.S., relating to alcoholism; repealing ss. 397.011, 397.021, 397.031, 397.041, 397.051, 397.0515, 397.0516, 397.0517, 397.0518, 397.052, 397.0525, 397.053, 397.054, 397.055, 397.056, 397.057, 397.061, 397.071, 397.0715, 397.0716, 397.0719, 397.081, 397.082, 397.091, 397.092, 397.093, 397.094, 397.095, 397.0961, 397.098, 397.099, 397.10, 397.12, 397.13, 397.14, 397.15, 397.16, 397.17, 397.18, 397.19, 397.20, 397.21, 397.215, 397.216, 397.217, 397.218, 397.22, F.S., relating to the treatment and rehabilitation of drug dependents; repealing section 29 of ch. 83-245, Laws of Florida, section 10 of ch. 85-333, Laws of Florida, and section 27 of ch. 88-398, Laws of Florida, abrogating the future repeal of provisions of chs. 396 and 397, F.S., relating to alcoholism and the treatment and rehabilitation of drug dependents, which was scheduled pursuant to the Regulatory Sunset Act; transferring funds from the Alcoholism Resource Licensing Trust Fund to the Substance-Abuse-Services Provider Licensing Trust Fund; providing an effective date.

—was read the second time by title.

One amendment was adopted to **SB 452** to conform the bill to **CS for CS for HB 137**.

Pending further consideration of **SB 452** as amended, on motions by Senator McKay, by two-thirds vote **CS for CS for HB 137** was withdrawn from the Committees on Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations.

On motions by Senator McKay, by two-thirds vote—

CS for CS for HB 137—A bill to be entitled An act relating to substance abuse impairment; creating ss. 397.301, 397.305, 397.311, 397.321, 397.401, 397.403, 397.405, 397.406, 397.407, 397.409, 397.411, 397.415, 397.419, 397.427, 397.431, 397.451, 397.461, 397.471, 397.481, 397.501, 397.581, 397.601, 397.675, 397.6751, 397.6752, 397.6758, 397.6759, 397.677, 397.6771, 397.6772, 397.6773, 397.6774, 397.6775, 397.679, 397.6791, 397.6793, 397.6795, 397.6797, 397.6798, 397.6799, 397.681, 397.6811, 397.6814, 397.6815, 397.6818, 397.6819, 397.6821, 397.6822, 397.693, 397.695, 397.6951, 397.6955, 397.6957, 397.697, 397.6971, 397.6975, 397.6977, 397.701, 397.702, 397.705, 397.706, 397.752, 397.753, 397.754, 397.801, 397.811, 397.821, and 397.901, F.S.; creating the “Hal S. Marchman Alcohol and Other Drug Services Act of 1993”; providing legislative findings, intent, and purpose; providing definitions; providing duties of the Department of Health and Rehabilitative Services; providing licensure requirements, including applications, fees, and exemptions, and providing criminal penalties and injunctive relief for violations; providing for joint regulation of certain state-operated programs; providing for rules waivers for alternative services; providing for the issuance and renewal of probationary, interim, and regular licenses for service providers and licensable service components; authorizing the department to enter and inspect premises and records; providing for denial, suspension, and revo-

cation of licenses and for other remedies, including an administrative fine; requiring service providers to maintain quality assurance programs; providing for confidentiality of service provider records; providing for review and repeal; providing for needs assessments and selection of medication treatment service providers and injunctions against unlawful operation; authorizing nurses to issue take-out methadone in certain circumstances; providing client responsibility for cost of services and requiring certain providers to establish sliding scale fee systems; providing immunity from civil and criminal liability; requiring background checks of service provider personnel in direct contact with unmarried minor clients or developmentally disabled clients, and providing certain exemptions and certain disqualification from receiving state funds; providing criminal penalties for unlawful activities relating to personnel; requiring fingerprinting and providing exceptions; providing for confidentiality of personnel information; providing for review and repeal; establishing service provider owner, director, personnel, and facility standards; providing applicability of Community Alcohol, Drug Abuse, and Mental Health Services Act; establishing the rights of clients, including the rights to judicial petition and habeas corpus and to counsel; providing for confidentiality of client records and providing exceptions; providing for review and repeal; providing voluntary admissions procedures for substance abuse impairment services; forbidding local ordinances affecting substance abuse impairment and providing a limited exception and petition for detention and treatment in secure facilities of habitual abusers; providing involuntary admissions procedures for substance abuse services, including protective custody, emergency admission, and other involuntary admissions procedures for purposes of assessment, stabilization, and treatment; providing for involuntary admission hearings; requiring certain parental participation; providing service provider responsibilities regarding involuntary admissions; providing criminal penalties for unlawful activities relating to client assessment and treatment; providing for the referral of substance abuse law offenders to service providers; providing for inmate substance abuse services and providing definitions and duties of the Department of Corrections; requiring coordination of substance abuse services delivery and establishing the positions of statewide and departmental coordinators; providing for specialized substance abuse services coordination for juveniles, including prevention and early intervention councils and emergency assessment and treatment services; requiring evaluations and treatment outcome reporting; authorizing local funding; requiring certain rulemaking; authorizing substance abuse impairment training and continuing education programs; reenacting and amending ss. 39.01(64), 39.046(1), (2), and (5), 39.047(4)(b), 39.063, 90.503(1)(a), 231.1713, 393.0657, 394.4572, 401.445(3), 402.22(3), 402.24(1), 402.3057, 409.1757, 490.014(2)(a), 491.014, (4)(a), 744.3215(4)(a), 766.101(1)(a), 790.06(2)(f) and (10)(e), 877.111(4), 893.15, 895.09(2)(a), (d), and (e), 945.12(1) and (2), and 951.23(2)(b) and (e), F.S., relating to juvenile justice, evidence, school personnel, developmental disability and mental health personnel, medical transportation, health and rehabilitative services, social assistance, psychological services, counseling services, guardianship, medical review committees, weapons and firearms, chemical substances, controlled substances, forfeiture proceedings, and state and county prisoners, to conform; amending s. 394.90, F.S.; authorizing the department to accept accreditation for mental health providers in lieu of department inspection; repealing ss. 396.012, 396.022, 396.0429, 396.062, 396.072, 396.082, 396.092, 396.102, 396.105, 396.106, 396.112, 396.122, 396.131, 396.141, 396.151, 396.1515, 396.161, 396.173, 396.174, 396.175, 396.176, 396.177, 396.178, 396.179, 396.1815, 396.182, 396.052, 396.172, 396.1725, 396.032, 396.042, 396.0427, 396.181, 396.0425, 396.0815, 396.125, 396.1819, 396.1816, 396.1817, and 396.1818, F.S., relating to alcoholism; repealing ss. 397.011, 397.021, 397.031, 397.041, 397.051, 397.0515, 397.0516, 397.0517, 397.0518, 397.052, 397.0525, 397.053, 397.054, 397.055, 397.056, 397.057, 397.061, 397.071, 397.0715, 397.0716, 397.0719, 397.081, 397.082, 397.091, 397.092, 397.093, 397.094, 397.095, 397.0961, 397.098, 397.099, 397.10, 397.12, 397.13, 397.14, 397.15, 397.16, 397.17, 397.18, 397.19, 397.20, 397.21, 397.215, 397.216, 397.217, 397.218, and 397.22, relating to the treatment and rehabilitation of drug dependents; repealing sections 28 and 29 of ch. 83-245, Laws of Florida, and section 27 of ch. 88-398, Laws of Florida; providing an effective date.

—a companion measure, was substituted for **SB 452** and by two-thirds vote read the second time by title.

Senator McKay moved the following amendments which were adopted:

Amendment 1—On page 27, between lines 23 and 24, insert:

(5) *A separate license is required for each facility maintained on separate premises, even though the facility is operated under the same management. However, a separate license is not required for separate buildings on the same grounds.*

(6) *The license must be displayed in a conspicuous place inside the facility.*

Amendment 2—On page 58, line 31, strike “72 hours” and insert: *one work day*

Amendment 3—On page 33, line 27, strike “a” and insert: *the program’s*

Amendment 4 (with Title Amendment)—On page 94, line 28 through page 111, line 12, strike all of said lines and insert:

Section 13. Subsection (64) of section 39.01, Florida Statutes, 1992 Supplement, is amended to read:

39.01 Definitions.—When used in this chapter:

(64) “Addictions receiving facility” means a *service provider treatment resource* as defined in ~~chapter 396~~ or chapter 397.

Section 14. Subsection (3) and paragraph (e) of subsection (7) of section 39.045, Florida Statutes, are amended to read:

39.045 Oaths; records; confidential information.—

(3) Records maintained by the department, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 110.1127, 393.0655, 394.457, 397.451 ~~396.0425~~, 397.0715, 402.305(1), 409.175, and 409.176 shall not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

(7) No court record of proceedings under this chapter is admissible in evidence in any other civil or criminal proceeding, except that:

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 397.451 ~~396.0425~~, 397.0715, 402.305, 402.313, 409.175, and 409.176, and for proof in a chapter 120 proceeding pursuant to ss. 415.103 and 415.504.

Section 15. Subsections (1), (2), and (5) of section 39.046, Florida Statutes, are amended to read:

39.046 Medical, psychiatric, psychological, substance abuse, and educational examination and treatment.—

(1) After a detention petition or a petition for delinquency has been filed, the court may order the child named in the petition to be examined by a physician. The court may also order the child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disabilities diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, the criteria and procedures established in chapter 393, chapter 394, ~~chapter 396~~, or chapter 397, whichever is applicable, shall be used.

(2) Whenever a child has been found to have committed a delinquent act, or before such finding with the consent of any parent or legal custodian of the child, the court may order the child to be treated by a physician. The court may also order the child to receive mental health, substance abuse, or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in chapter 393, chapter 394, ~~chapter 396~~, or chapter 397, whichever is applicable, shall be used. After a child has been adjudicated delinquent, if an educational needs assessment by the district school board or the department has been previously conducted, the court shall order the report of such needs assessment included in the child’s court record in

lieu of a new assessment. For purposes of this section, an educational needs assessment includes, but is not limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education.

(5) A physician shall be immediately notified by the person taking the child into custody or the person having custody if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care. A child may be provided mental health, substance abuse, or retardation services, in emergency situations, pursuant to chapter 393, chapter 394, ~~chapter 396~~, or chapter 397, whichever is applicable. After a hearing, the court may order the custodial parent or parents, guardian, or other custodian, if found able to do so, to reimburse the county or state for the expense involved in such emergency treatment or care.

Section 16. Paragraph (b) of subsection (4) of section 39.047, Florida Statutes, 1992 Supplement, is amended to read:

39.047 Intake and case management.—

(4) The intake counselor or case manager shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. In any case where the intake counselor or case manager or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the intake counselor or case manager or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating such report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and shall request, and the person or agency shall promptly thereafter furnish, additional information in order to comply with the standards for a probable cause affidavit.

(b) If the intake counselor or case manager determines that the report, affidavit, or complaint is complete, pursuant to uniform procedures established by the department, the intake counselor or case manager shall:

1. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for substance abuse problems, using community-based licensed programs with clinical expertise and experience in the assessment of substance abuse problems.

2. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for mental health problems, using community-based psychologists, psychiatrists, or other licensed mental health professionals with clinical expertise and experience in the assessment of mental health problems.

When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394, ~~chapter 396~~, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the intake counselor or case manager in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the intake counselor or case manager, with the approval of the state attorney, may refer the child for care, diagnostic and evaluation services, substance abuse treatment services, mental health services, retardation services, a diversionary or arbitration or mediation program, community service work, or other programs or treatment services voluntarily accepted by the child and his parents or legal custodians. The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of

the action taken pursuant to this paragraph. Whenever a child volunteers to participate in any work program under the provisions of this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, such child shall be considered an employee of the state for the purposes of liability. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer is considered a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of his future wage-earning capacity.

Section 17. Section 39.063, Florida Statutes, is amended to read:

39.063 Transfer to other treatment services.—Any child committed to the department may be transferred to retardation, mental health, or substance abuse treatment facilities for diagnosis and evaluation pursuant to chapter 393, chapter 394, ~~chapter 396~~, or chapter 397, whichever is applicable, for a period not to exceed 90 days.

Section 18. Paragraph (d) of subsection (6) of section 39.411, Florida Statutes, is amended to read:

39.411 Oaths, records, and confidential information.—

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(d) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, ~~397.451~~ ~~396.0425~~, ~~397.0715~~, 402.305, 402.313, 409.175, and 409.176 and for proof in a chapter 120 proceeding pursuant to ss. 415.103 and 415.504.

Section 19. Subsection (1) of section 90.503, Florida Statutes, 1992 Supplement, is amended to read:

90.503 Psychotherapist-patient privilege.—

(1) For purposes of this section:

(a) A "psychotherapist" is:

1. A person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, who is engaged in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction; or

2. A person licensed or certified as a psychologist under the laws of any state or nation, who is engaged primarily in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction; or

3. A person licensed or certified as a clinical social worker, marriage and family therapist, or mental health counselor under the laws of this state, who is engaged primarily in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction; or

4. Treatment personnel of facilities licensed by the state pursuant to chapter 394, chapter 395, ~~chapter 396~~, or chapter 397, facilities designated by the Department of Health and Rehabilitative Services pursuant to chapter 394 as treatment facilities, or facilities defined as community mental health centers pursuant to s. 394.907(1), who are engaged primarily in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction.

Section 20. Section 231.1713, Florida Statutes, is amended to read:

231.1713 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, ~~396~~, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to this chapter, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451 ~~396.0425(1)~~, ~~397.0715(1)~~, 402.305(1), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 21. Paragraph (a) of subsection (4) of section 322.0602, Florida Statutes, 1992 Supplement, is amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

(a) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the probationer to all, or any, of the following:

1. A trauma center, as defined in s. 395.401, or a hospital as defined in s. 395.002, which regularly receives victims of vehicle accidents, between the hours of 10 p.m. and 2 a.m. on a Friday or Saturday night, in order to observe appropriate victims of vehicle accidents involving drinking drivers, under the supervision of any of the following:

a. A registered nurse trained in providing emergency trauma care or prehospital advanced life support.

b. An emergency room physician.

c. An emergency medical technician.

2. A licensed service provider ~~treatment resource~~, as defined in s. 397.311 ~~s. 396.032 or s. 397.021~~, which cares for ~~substance abuse impaired persons advanced alcoholics or drug abusers~~, to observe persons in the terminal stages of ~~substance abuse impairment alcoholism or drug abuse~~, under the supervision of appropriately licensed medical personnel. Prior to any visitation of such terminally ill or disabled persons, the persons or their legal representatives must give their express consent to participate in the visitation program.

3. If approved by the county coroner, the county coroner's office or the county morgue to observe appropriate victims of vehicle accidents involving drinking drivers, under the supervision of the coroner or a deputy coroner.

Section 22. Section 393.0657, Florida Statutes, is amended to read:

393.0657 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 396, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451 ~~396.0425(1)~~, ~~397.0715(1)~~, 402.305(1), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 23. Section 394.4572, Florida Statutes, is amended to read:

394.4572 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 396, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451 ~~396.0425(1)~~, ~~397.0715(1)~~, 402.305(1), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 24. Subsection (3) of section 395.3025, Florida Statutes, 1992 Supplement, is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(3) This section does not apply to records of *substance abuse impaired alcoholics and intoxicated persons*, which are governed by s. 397.501 ~~the provisions of s. 396.112, or to records of drug abusers, which are governed by the provisions of s. 397.053.~~

Section 25. Subsection (3) of section 401.445, Florida Statutes, 1992 Supplement, is amended to read:

401.445 Emergency examination and treatment of incapacitated persons.—

(3) This section does not limit medical treatment provided pursuant to court order or treatment provided in accordance with chapter 394, ~~chapter 396~~, or chapter 397.

Section 26. Subsection (3) of section 402.22, Florida Statutes, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Health and Rehabilitative Services.—

(3) Notwithstanding any provisions of chapters 39, 393, 394, ~~396~~, and 397 to the contrary, the services of the Department of Health and Rehabilitative Services and those of the Department of Education and district school boards shall be mutually supportive and complementary of each other. The education programs provided by the district school board shall meet the standards prescribed by the State Board of Education and the district school board. Decisions regarding the design and delivery of Department of Health and Rehabilitative Services treatment or rehabilitative services shall be made by interdisciplinary teams of professional and paraprofessional staff of which appropriate district school system administrative and instructional personnel shall be invited to be participating members. The requirements for maintenance of confidentiality as prescribed in chapters 39, 393, 394, ~~396~~, and 397 shall be applied to information used by such interdisciplinary teams, and such information shall be exempt from the provisions of ss. 119.07(1) and 286.011. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 27. Subsection (1) of section 402.24, Florida Statutes, is amended to read:

402.24 Recovery of third-party payments for medical services.—

(1) As used in this section, "medical services" means medical or medically related institutional or noninstitutional services which are provided or paid for by the Department of Health and Rehabilitative Services, except for services provided or paid for pursuant to chapter 394, ~~chapter 396~~, or chapter 397.

Section 28. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, ~~396~~, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451 ~~396.0425(1)~~, ~~397.0715(1)~~, 402.305(1), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 29. Paragraph (i) of subsection (2) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(2) As used in this section, the term:

(i) "Residential child-caring agency" means any person, corporation, or agency, public or private, other than the child's parent or legal guardian, that provides staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged. Such residential child-caring agencies include, but are not limited to, maternity homes, runaway shelters, group homes ~~that which~~ are administered by an agency, emergency shelters ~~that which~~ are not in private residences, and wilderness camps. Residential child-caring agencies do not include hospitals, boarding schools, summer or recreation camps, nursing homes, or facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth, or facilities licensed under s. 393.067 or ~~chapter 397 s. 397.081~~.

Section 30. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource

personnel who have been fingerprinted or screened pursuant to chapters 393, 394, ~~396~~, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451 ~~396.0425(1)~~, ~~397.0715(1)~~, 402.305(1), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 31. Paragraph (a) of subsection (5) of section 415.107, Florida Statutes, 1992 Supplement, is amended to read:

415.107 Confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged persons or disabled adults.—

(5)(a) The department, upon receipt of the applicable fee, shall search its central abuse registry and tracking system records pursuant to the requirements of ss. 39.076, 110.1127, 393.0655, 394.457, 397.451 ~~396.0425~~, ~~397.0715~~, 400.478, 400.497, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 464.008 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated or closed report prior to July 1, 1987, the department shall review the report to determine whether the indicated or closed report shall be classified as "proposed confirmed" according to the definitions in s. 415.102. If the report is classified as "proposed confirmed," the department shall notify the individual according to the provisions in s. 415.103(3)(d)1.b. The department shall report the existence of any confirmed report and advise the authorized licensing agency, applicant for licensure, or other authorized agency or person of the results of the search and the date of the report. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

Section 32. Subsection (4) of section 415.51, Florida Statutes, 1992 Supplement, is amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(4) The department shall, upon receipt of the applicable fee, search its central abuse registry and tracking system records pursuant to the requirements of ss. 39.076, 110.1127, 242.335, 393.0655, 394.457, 397.451 ~~396.0425~~, ~~397.0715~~, 400.478, 400.497, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 464.008 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated or closed report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall be classified as "proposed confirmed" according to the definitions in s. 415.503. If the report is classified as "proposed confirmed," the department shall notify the individual according to the provisions of s. 415.504(4)(d)1.b. The department shall report the existence of any confirmed report of abuse and advise the authorized licensing agency, applicant for license, or other authorized agency or person of the results of the search and the date of the report. In the case of judicial determination of abuse, the department shall report the procedure for inspection of court records as set forth in s. 39.411(3). The department may not release any information on unfounded reports. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

Section 33. Paragraph (a) of subsection (2) of section 490.014, Florida Statutes, 1992 Supplement, is amended to read:

490.014 Exemptions.—

(2) No person shall be required to be licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, ~~chapter 396~~, or chapter 397; subsidized child care program, subsidized child care case management, or child

care resource and referral program, operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 415; accredited academic institution; or research institution, if such employee is performing duties for which he was trained and hired solely within the confines of such agency, facility, or institution.

Section 34. Paragraph (a) of subsection (4) of section 491.014, Florida Statutes, 1992 Supplement, is amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, ~~chapter 396~~, or chapter 397; subsidized child care program, subsidized child care case management, or child care resource and referral program, operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 415; accredited academic institution; or research institution, if such employee is performing duties for which he was trained and hired solely within the confines of such agency, facility, or institution.

Section 35. Section 627.669, Florida Statutes, 1992 Supplement, is amended to read:

627.669 Optional coverage ~~for alcoholism and drug dependency~~ required for substance abuse impaired persons; exception.—

(1) Insurers, health maintenance organizations, and nonprofit health care services plans transacting group health insurance or providing prepaid health care in this state shall make available to the policyholder as part of the application for any such policy of insurance issued or delivered in this state or contract executed or operative in this state the level of benefits specified in subsection (2) for the necessary care and treatment of *substance abuse impaired persons* ~~alcoholics and drug dependents~~, subject to the right of the applicant for a group policy or contract to select any alternative benefits or level of benefits as may be offered by the insurer, health maintenance organization, or plan. For the purposes of this section, the term "*substance abuse impaired*" has the same meaning ascribed "*alcoholic*" is to be construed as defined in s. 397.311 ~~s. 396.032(5)~~, and the term "*drug dependency*" is to be construed as defined in s. 397.021.

(2) Inpatient benefits or outpatient benefits shall consist of:

(a) Basic benefit.—Intensive treatment program for the treatment of *substance abuse impaired persons* ~~alcoholism and drug dependency~~.

(b) Limitations.—

1. Benefits shall be available only to covered individuals in a group health plan.

2. There shall be a minimum lifetime benefit of \$2,000.

3. There shall be allowable a maximum of 44 outpatient visits.

4. The maximum benefit payable for an outpatient visit shall not exceed \$35.

5. Detoxification shall not be considered as a benefit under the outpatient program.

(3) The benefits provided under this section shall be applicable only if treatment is provided by, or under the supervision of, or is prescribed by, a licensed physician or licensed psychologist and if services are provided in a program accredited by the Joint Commission on Accreditation of Hospitals or approved by the state.

Section 36. Paragraph (a) of subsection (4) of section 744.3215, Florida Statutes, is amended to read:

744.3215 Rights of persons determined incapacitated.—

(4) Without first obtaining specific authority from the court, as described in s. 744.3725, a guardian may not:

(a) Commit the ward to a facility, ~~or institution, or licensed service provider~~ without formal placement proceeding, pursuant to chapter 393, chapter 394, or chapter 397, ~~or chapter 917.~~

Section 37. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, 1992 Supplement, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1. ~~A committee:~~

a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641,

b. A committee of a state or local professional society of health care providers,

c. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

d. A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

e. A committee of a professional service corporation formed under the provisions of chapter 621 or a corporation organized under chapter 607, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

f. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

~~g. Of an alcohol treatment and prevention resource licensed under chapter 396 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency, or~~

~~g.h. A committee of a substance drug abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency, or~~

~~h.i. Of A peer review or utilization review committee organized under chapter 440,~~

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review ~~under pursuant to the provisions of~~ s. 766.106.

Section 38. Subsections (2) and (10) of section 790.06, Florida Statutes, 1992 Supplement, are amended to read:

790.06 License to carry concealed weapon or firearm.—

(2) The Department of State shall issue a license if the applicant:

(a) Is a resident of the United States or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his normal faculties are impaired if the applicant has been committed under chapter 397 or ~~as an alcoholic~~ under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Game and Fresh Water Fish Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of State;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or has waited 5 years from the date of his restoration to capacity by court order under s. 744.464;

(j) Has not been committed to a mental institution under chapter 394, unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of 5 years; and

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred.

(10) A license issued under this section shall be suspended or revoked pursuant to chapter 120 if the licensee:

(a) Becomes ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under the provisions of chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a *substance abuser under chapter 397* ~~an alcoholic under chapter 396~~, or is deemed a habitual offender under s. 856.011(3);

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331; or

(h) Is committed to a mental institution under chapter 394.

Section 39. Subsection (4) of section 877.111, Florida Statutes, is amended to read:

877.111 Inhalation, ingestion, possession, sale, purchase, or transfer of harmful chemical substances; penalties.—

(4) Any person who violates any of the provisions of this section may, in the discretion of the trial judge, be required to participate in a *substance abuse services drug-rehabilitation* program approved or regulated by the Department of Health and Rehabilitative Services pursuant to the provisions of chapter 397, provided the director of the such program approves the placement of the defendant in the program. Such required participation may be imposed in addition to, or in lieu of, any penalty or probation otherwise prescribed by law. However, the total time of such penalty, probation, and program participation shall not exceed the maximum length of sentence possible for the offense.

Section 40. Section 893.15, Florida Statutes, is amended to read:

893.15 Rehabilitation.—Any person who violates s. 893.13(1)(f) or (1)(g) relating to possession may, in the discretion of the trial judge, be required to participate in a *substance abuse services drug-rehabilitation* program approved or regulated by the Department of Health and Rehabilitative Services pursuant to the provisions of chapter 397, provided the director of such program approves the placement of the defendant in such program. Such required participation may be imposed in addition to, or in lieu of, any penalty or probation otherwise prescribed by law. However, the total time of such penalty, probation, and program participation shall not exceed the maximum length of sentence possible for the offense.

Section 41. Paragraphs (a), (d), and (e) of subsection (2) of section 895.09, Florida Statutes, 1992 Supplement, are amended to read:

895.09 Disposition of funds obtained through forfeiture proceedings.—

(2)(a) Following satisfaction of all valid claims under subsection (1), 25 percent of the remainder of the funds obtained in the forfeiture proceedings pursuant to s. 895.05 shall be deposited as provided in paragraph (b) into the appropriate trust fund of the Department of Legal Affairs or state attorney's office which filed the civil forfeiture action; 25 percent shall be deposited as provided in paragraph (c) into the law enforcement trust fund of the investigating law enforcement agency conducting the investigation which resulted in or significantly contributed to the forfeiture of the property; 25 percent shall be deposited as provided in paragraph (d) in the *Substance Drug Abuse Trust Fund* of the Department of Health and Rehabilitative Services, ~~established under s. 397.19~~; and the remaining 25 percent shall be deposited in the Forfeited Property Trust Fund of the Department of Natural Resources. When a forfeiture action is filed by the Department of Legal Affairs or a state attorney, the court entering the judgment of forfeiture shall, taking into account the overall effort and contribution to the investigation and forfeiture action by the agencies that filed the action, make a pro rata apportionment among such agencies of the funds available for distribution to the agencies filing the action as provided in this section. If multiple investigating law enforcement agencies have contributed to the forfeiture of the property, the court which entered the judgment of forfeiture shall, taking into account the overall effort and contribution of the agencies to the investi-

gation and forfeiture action, make a pro rata apportionment among such investigating law enforcement agencies of the funds available for distribution to the investigating agencies as provided in this section.

(d) The Department of Health and Rehabilitative Services shall, in accordance with chapter 397, distribute funds obtained by it pursuant to paragraph (a) to public and private nonprofit organizations licensed by the department to provide *substance drug* abuse treatment and rehabilitation centers or *substance abuse drug* prevention and youth orientation programs in the service district in which the final order of forfeiture is entered by the court.

(e) On a quarterly basis, any excess funds, including interest, over \$1 million deposited in the Forfeited Property Trust Fund of the Department of Natural Resources in accordance with paragraph (a) shall be deposited in the *Substance Drug Abuse Trust Fund* of the Department of Health and Rehabilitative Services.

Section 42. Paragraph (b) of subsection (1) of section 939.017, Florida Statutes, is amended to read:

939.017 Misdemeanor convictions involving drugs or alcohol; additional costs.—

(1)

(b) The clerk of the court shall collect the \$15 and forward \$14 thereof to be deposited to the credit of the Department of Health and Rehabilitative Services for allocation to local *substance abuse alcohol and drug* treatment programs *under s. 397.321 pursuant to ss. 396.042(4) and 397.031(5)*. The clerk shall retain the remaining \$1 of each \$15 collected as a service charge of the clerk's office.

Section 43. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, 1992 Supplement, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information. Any court of competent jurisdiction may order a criminal justice agency to expunge a criminal history record, provided that the person who is the subject of the record complies with the requirements of this section; however, a criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041, where the defendant was found or pled guilty, without regard to whether adjudication was withheld, may not be expunged. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. Nothing in this section prevents the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any provision of statutory law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record that is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the events covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(3), s. 394.455(20), s. 397.451 ~~s. 396.032(8), s. 397.021(8)~~, s. 402.302(8), s. 402.313(3), s. 409.175(2)(h), s. 415.102(4), s. 415.103, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that which licenses child care facilities.

Section 44. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, 1992 Supplement, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information. Any court of competent jurisdiction may order a criminal justice agency to seal a criminal history record, provided that the person who is the subject of the record complies with the requirements of this section; however, a criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041, where the defendant was found or pled guilty, without regard to whether adjudication was withheld, may not be sealed. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. Nothing in this section prevents the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any provision of statutory law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record that is ordered sealed by a court of competent jurisdiction pursuant to this section is a nonpublic record available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., (a)4., (a)5., and (a)6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the events covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(3), s. 394.455(20), s. 397.451 ~~s. 396.032(8), s. 397.021(8)~~, s. 402.302(8), s. 402.313(3), s. 409.175(2)(h), s. 415.102(4), s. 415.103, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 45. Subsections (1) and (2) of section 945.12, Florida Statutes, are amended to read:

945.12 Transfers for rehabilitative treatment.—

(1) The Department of Corrections is authorized to transfer *substance abuse impaired persons* ~~drug dependents~~, as defined in chapter 397, and ~~addicted~~, tuberculous, or other prisoners requiring specialized services to appropriate public or private facilities or programs for the purpose of providing such specialized services or treatment for as long as the such services or treatment is needed, but for no longer than the remainder of the prisoner's sentence.

(2) The Department of Corrections is authorized to enter into agreements with the controlling authorities of such state institutions which have or are provided with appropriate facilities for the secure confinement and treatment of *substance abuse impaired persons* ~~drug addicts~~, ~~alcoholics~~, mentally ill persons, and tuberculous persons. In any such agreement, the department shall provide for custodial personnel to maintain proper security of persons transferred from the correctional system to any other state institution. Such custodial personnel shall be employed and paid by the department and subject to rules such as are agreed upon jointly by it and the controlling authority entering into such agreement.

Section 46. Paragraphs (b) and (e) of subsection (2) of section 951.23, Florida Statutes, 1992 Supplement, are amended to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(2) COLLECTION OF INFORMATION.—In conjunction with the administrators of county detention facilities, the Department of Corrections shall develop an instrument for the collection of information from the administrator of each county detention facility. Whenever possible, the information shall be transmitted by the administrator to the Department of Corrections electronically or in a computer readable format. The information shall be provided on a monthly basis and shall include, but is not limited to, the following:

- (b) The number of persons housed per day:

1. Pursuant to part I of chapter 394, "The Florida Mental Health Act."
2. Pursuant to chapter 397, "Substance Abuse Services." ~~chapter 396, the "Comprehensive Alcoholism Prevention, Control, and Treatment Act."~~

- (e) The number of persons admitted per month, by age, race, and sex:

1. Pursuant to part I of chapter 394, "The Florida Mental Health Act."
2. Pursuant to chapter 397, "Substance Abuse Services." ~~chapter 396, the "Comprehensive Alcoholism Prevention, Control, and Treatment Act."~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 4, strike all of lines 9-26 and insert: programs; amending ss. 39.01, 39.045, 39.046, 39.047, 39.063, 39.411, 90.503, 231.1713, 322.0602, 393.0657, 394.4572, 395.3025, 401.445, 402.22, 402.24,

402.3057, 409.175, 409.1757, 415.107, 415.51, 490.014, 491.014, 627.669, 744.3215, 766.101, 790.06, 877.111, 893.15, 895.09, 939.017, 943.0585, 943.059, 945.12, 951.23, F.S., relating to juvenile justice, evidence, school personnel, the Youthful Drunk Driver Visitation Program, developmental disability and mental health personnel, medical transportation, health and rehabilitative services, social assistance, patient and personnel records, adult protective services, psychological services, counseling services, licensure of family foster homes and of child-caring and child-placing agencies, optional insurance coverage for substance-abuse treatment services, guardianship, medical review committees, weapons and firearms, chemical substances, controlled substances, forfeiture proceedings, misdemeanor convictions involving drugs and alcohol, court-ordered sealing or expunction of criminal history records, and state and county prisoners, to conform;

On motion by Senator McKay, by two-thirds vote **CS for CS for HB 137** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator McKay, the rules were waived and **CS for CS for HB 137** was ordered immediately certified to the House.

On motions by Senator Grant, by two-thirds vote **CS for HB 157** was withdrawn from the Committees on Governmental Operations and Community Affairs.

On motion by Senator Grant—

CS for HB 157—A bill to be entitled An act relating to public facilities; amending s. 287.055, F.S.; excluding certain nongovernmental developers from the definition of agency under the Consultants' Competitive Negotiation Act; amending s. 380.06, F.S.; exempting construction or design of certain public facilities from competitive bidding or negotiation requirements with respect to local government development orders under certain circumstances; revising language with respect to credits against local import fees; providing an effective date.

—a companion measure, was substituted for **CS for SB 116** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 157** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motions by Senator Sullivan, by two-thirds vote **CS for HB 561** was withdrawn from the Committees on Criminal Justice and Appropriations.

On motion by Senator Sullivan—

CS for HB 561—A bill to be entitled An act relating to substance abuse; amending s. 893.03, F.S., relating to controlled substance standards and schedules; deleting methyldihydromorphinone from Schedule I; moving mecloqualone within Schedule I to increase penalties applicable thereto; providing technical changes to update and clarify the schedules; reenacting ss. 893.08(1)(b) and 893.13, F.S., relating to distribution of certain substances at retail without a prescription by a registered pharmacist and to prohibited acts and penalties, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 893.135, F.S., relating to trafficking in a controlled substance; providing editorial clarifications; correcting cross-references; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 272** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 561** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 134—A bill to be entitled An act relating to health care providers; amending s. 455.238, F.S.; defining the additional amount of charges that constitutes a prohibited markup for services rendered by another; deleting authority to charge a handling fee; providing an effective date.

—was read the second time by title.

Senators Myers and Foley offered the following amendment which was moved by Senator Foley:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 455.238, Florida Statutes, 1992 Supplement, as created by section 9 of chapter 92-178, Laws of Florida, is repealed.

Section 2. Section 407.60, Florida Statutes, 1992 Supplement, as created by section 11 of chapter 92-178, Laws of Florida, is repealed.

Section 3. Section 15 of chapter 92-178, Laws of Florida, is amended to read:

Section 15. This act shall apply to referrals for designated health services made on or after the effective date of this act, provided that with respect to an investment interest acquired before May 1, 1992, paragraph (a) of subsection (4) of section 7 shall not apply to referrals for designated health services occurring before October 1, 1994 ~~1995~~, and provided, further, that paragraphs (b)-(g) of subsection (4) of section 7 shall be effective on July 1, 1992, and provided further, that with respect to a facility which is providing a designated health service or other health care items or service which received its certificate of occupancy and began providing that service at that facility after May 1, 1991, and before January 1, 1992, section 7(4)(a)-(g) inclusive of this act shall not apply to referrals for such designated health services and other items or services occurring before October 1, 1996.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to health care; repealing s. 455.238, F.S., relating to prohibition against a health care provider charging markups; repealing s. 407.60, F.S., relating to duties of the Health Care Cost Containment Board; amending s. 15, ch. 92-178, Laws of Florida; revising the effective date of the applicability of specified provisions of ch. 92-178, Laws of Florida, relating to prohibited referrals by health care providers; providing an effective date.

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with Title Amendment)—On page 1, strike all of lines 12-14 and insert:

Section 1. Section 455.238, Florida Statutes, 1992 Supplement, is amended to read:

455.238 Markup on charges prohibited.—A health care provider may not charge an additional amount for services rendered by an entity outside of that provider's practice. *As used in this section, the term "additional amount" means any amount greater than the entity outside of that provider's practice would have charged the patient had the patient been billed directly by the entity for the services. However, a handling fee of no more than \$2 may be charged as long as each charge is separately disclosed and itemized as part of the provider's bill for services.*

And the title is amended as follows:

In title, on page 2, strike all of lines 20-22 and insert: An act relating to health care; amending s. 455.238, F.S.; defining the additional amount of charges that constitutes a prohibited markup for services rendered by another; deleting authority to charge a handling fee;

On motion by Senator Myers, further consideration of **SB 134** with pending **Amendment 1** as amended was deferred.

CS for SB 1106—A bill to be entitled An act relating to housing; creating the Predevelopment Loan Program Act; transferring, renumbering, and amending s. 420.303, F.S.; providing a short title; transferring and renumbering s. 420.305, F.S.; providing a purpose; transferring, renumbering, and amending s. 420.306, F.S.; providing definitions; transferring, renumbering, and amending ss. 420.307, 420.308, 420.31, F.S., relating to the Housing Predevelopment Trust Fund, loan program, and rules, respectively; amending s. 420.504, F.S.; providing for suspension of members of the Florida Housing Finance Agency for cause; amending s. 420.507, F.S.; providing for the agency to make mortgage loans in specified amounts; prescribing the duties of the agency with respect to the Predevelopment Loan Program; amending s. 420.5087, F.S.; providing for State Apartment Incentive Loan Program loans in excess of 25 percent of project cost; providing for extended terms of such loans; amending s. 420.5092, F.S.; correcting a cross-reference; amending s. 420.609, F.S.; providing additional members of the Affordable Housing Study Commission; providing for removal of commission for cause; amending s. 420.9071, F.S.; providing definitions for use in the State Housing Initiatives Partnership Act; amending s. 420.9072, F.S.; redefining legislative intent and goals with respect to the State Housing Initiatives Partnership Program; revising duties of local governments with respect to the program; amending s. 420.9075, F.S.; prescribing uses for which local housing assistance programs may allocate funds; prescribing objectives for involving partners in the program; providing for eligibility and for annual monitoring of tenant eligibility; prescribing additional information to be included in counties' and eligible municipalities' annual reports; requiring suspension of program funds to counties in which the Auditor General has found violations of program criteria; amending s. 420.9076, F.S.; prescribing additional guidelines and contents for affordable housing incentive plans; amending s. 420.9078, F.S.; providing for administration of an affordable housing production program; transferring and renumbering ss. 420.304, 420.309, 420.32, F.S.; repealing ss. 420.34, 420.35, F.S., relating to the Elderly Homeowners Rehabilitation Act and the Florida Elderly Housing Trust Fund, respectively; providing for transfer of moneys in the Florida Elderly Housing Trust Fund; amending s. 409.508, F.S.; transferring authority over the Low-income Home Energy Assistance Act from the Department of Health and Rehabilitative Services to the Department of Community Affairs, providing for transfer of functions, records, property, personnel, assets, liabilities, and rules of the Department of Health and Rehabilitative Services which relate to the act; amending s. 420.503, F.S.; redefining the term "mortgage," with respect to the Florida Housing Finance Agency; providing an effective date.

—was read the second time by title.

Senators Kirkpatrick and Dudley offered the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 22, strike all of lines 26-29 and insert: relating to affordable housing. The term includes *providers of initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership, counseling of tenants, and the coordination establishing of*

Amendment 2—On page 35, before line 1, insert:

(k) *Funds not used to meet the criteria established in paragraph (a) or paragraph (b) or not used for the administration of a local housing assistance program must be used for housing production and finance activities, including, but not limited to, financing the purchase of existing units, providing rental housing, and providing homeownership training to prospective homebuyers and owners of homes assisted through the local housing assistance program.*

On motion by Senator Forman, by two-thirds vote **CS for SB 1106** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

Motion

On motion by Senator Forman, the rules were waived and **CS for SB 1106** was ordered immediately certified to the House.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 1037** was withdrawn from the Committee on Education.

On motion by Senator Diaz-Balart—

HB 1037—A bill to be entitled An act relating to designation of state buildings; designating the conservatory on the University Park Campus of Florida International University as the Herbert and Nicole Wertheim Conservatory; designating the student center on the North Miami Campus as the Gregory B. Wolfe Building; designating the South Manatee Community College Campus as the Kingsbury Curtis Community College Campus; authorizing Florida International University to erect appropriate markers; providing an effective date.

—a companion measure, was substituted for **SB 1440** and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **HB 1037** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 410—A bill to be entitled An act relating to elementary and secondary education; amending s. 228.041, F.S.; revising the definitions of the terms "habitual truant" and "dropout" for purposes of the Florida School Code; amending s. 232.2468, F.S.; revising the methods for calculating graduation and dropout rates; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **SB 410** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Jennings, by two-thirds vote **CS for HB 1141** was withdrawn from the Committee on Transportation.

On motion by Senator Jennings—

CS for HB 1141—A bill to be entitled An act relating to public transportation; amending s. 343.61, F.S.; changing the title of the "Central Florida Commuter Rail Authority Act" to the "Central Florida Regional Transportation Authority Act"; amending s. 343.62, F.S.; providing definitions; amending s. 343.63, F.S.; providing for the Central Florida Regional Transportation Authority; revising membership; amending s. 343.64, F.S.; providing powers and duties; amending ss. 343.65, 343.66, and 343.67, F.S.; conforming to the act; directing the Statutory Revision and Indexing Division to make certain changes in the chapter to reflect the revisions in the act; providing an effective date.

—a companion measure, was substituted for **SB 1192** and read the second time by title. On motion by Senator Jennings, by two-thirds vote **CS for HB 1141** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

RECESS

On motion by Senator Jennings, the Senate recessed at 12:03 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:12 p.m. A quorum present—37:

Mr. President	Diaz-Balart	Jenne	Silver
Bankhead	Dudley	Jennings	Sullivan
Beard	Dyer	Johnson	Thomas
Boczar	Foley	Jones	Turner
Brown-Waite	Forman	Kirkpatrick	Weinstein
Burt	Grant	Kiser	Wexler
Casas	Gutman	Kurth	Williams
Childers	Harden	Meadows	
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Siegel	

SPECIAL ORDER, continued

CS for SB 1194—A bill to be entitled An act relating to Cuba; creating the "1993 Free Cuba Act"; requiring the State Board of Administration to divest certain investments; prohibiting specified future investments; amending s. 542.34, F.S., relating to discriminatory trade practices; providing for nonapplicability of the provisions of s. 542.34, F.S., to specified foreign embargoes; authorizing counties and municipalities to revoke occupational licenses under certain circumstances; authorizing the Governor to waive the requirements of the act under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Gutman and adopted:

Amendment 1 (with Title Amendment)—On page 2, line 26, strike "future"

And the title is amended as follows:

In title, on page 1, strike line 5 and insert: prohibiting specified investments;

Senator Gutman moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 5, strike all of lines 6 and 7 and insert: Cuba or whose parent company or affiliated company is known to be transacting business with Cuba.

Section 7. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: providing severability;

On motion by Senator Gutman, by two-thirds vote **CS for SB 1194** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 1006—A bill to be entitled An act relating to vessels; amending s. 370.12, F.S.; providing that certain violations with respect to manatees shall be charged on uniform boating citations; providing that the violation of certain manatee-related speed limits be a noncriminal infraction; providing a penalty for refusal to accept and sign a uniform boating citation; amending s. 327.73, F.S.; revising language; providing a civil penalty for violation of certain speed limits; providing a penalty for failure to appear or otherwise respond to a uniform boating citation; increasing a civil penalty; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Burt and adopted:

Amendment 1—On page 2, strike all of lines 8-24 and insert:

1. Any person operating a vessel in excess of a posted speed limit shall be guilty of a civil infraction, punishable as provided in s. 327.73, except as provided in subparagraph 2.

2. This paragraph does not apply to persons violating restrictions governing "No Entry" zones or "Motorboat Prohibited" zones, who, if convicted, shall be guilty of a misdemeanor, punishable as provided in s. 370.021(2)(a) or s. 370.021(2)(b), or, if such violation demonstrates blatant or willful action, may be found guilty of harassment as described in paragraph (2)(d).

Amendment 2—On page 3, strike all of lines 7 and 8 and insert:

3. Speed limits established pursuant to subsection 370.12(2);

On motion by Senator Burt, by two-thirds vote **SB 1006** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

Motion

On motion by Senator Burt, the rules were waived and **SB 1006** was ordered immediately certified to the House.

CS for SB 598—A bill to be entitled An act relating to medicinal drugs; creating s. 465.0255, F.S.; requiring the display of expiration dates on all medicinal drugs manufactured, repackaged, or distributed and all medicinal drugs dispensed; requiring certain use and storage instructions on all medicinal drugs dispensed; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 1, line 20, after the period (.) insert: The term "readable" means conspicuous and bold.

Amendment 2—On page 1, line 26, after "date" insert: when

On motion by Senator Myers, by two-thirds vote **CS for SB 598** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

Motion

On motion by Senator Myers, the rules were waived and **CS for SB 598** was ordered immediately certified to the House.

On motion by Senator Hargrett, by two-thirds vote **HB 1481** was withdrawn from the Committee on Transportation.

On motion by Senator Hargrett—

HB 1481—A bill to be entitled An act relating to bridge designations; designating a portion of the Skyway Bridge in Pinellas County as "Dick Misener Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **SB 1394** and read the second time by title. On motion by Senator Hargrett, by two-thirds vote **HB 1481** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Kurth, by two-thirds vote **HB 1619** was withdrawn from the Committees on Community Affairs; and Finance, Taxation and Claims.

On motion by Senator Kurth—

HB 1619—A bill to be entitled An act relating to local government budgets; amending s. 129.06, F.S.; authorizing a board of county commissioners to amend its budget under certain circumstances and transfer revenue between funds; authorizing additional budget amendments by resolution or ordinance following notice and a public hearing; providing an effective date.

—a companion measure, was substituted for **SB 466** and read the second time by title. On motion by Senator Kurth, by two-thirds vote **HB 1619** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 980—A bill to be entitled An act relating to fire and going-out-of-business sales; amending s. 559.21, F.S.; providing for tax collectors instead of sheriffs to issue permits to conduct such sales; requiring the payment of delinquent taxes on the goods to be sold in order for a permit to be issued; revising procedures for the conduct of such a sale; repealing provisions for renewal of such a permit; amending s. 559.22, F.S.; requiring a person who conducts such a sale to specify the permit number within advertisements of the sale; amending s. 559.23, F.S.; providing for payment of permit application fees to tax collectors; deleting provisions for renewal fees; amending s. 559.24, F.S.; revising certain requirements for conducting such a sale; providing that advertisements of such a sale must specify certain information; amending s. 559.26, F.S.; specifying criminal penalties for violation of certain requirements pertaining to such a sale; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **SB 980** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB 1066** was deferred.

SB 1640—A bill to be entitled An act relating to the Florida State Fair Authority; amending s. 616.251, F.S.; clarifying that the authority is under the jurisdiction of the state; amending s. 616.263, F.S.; requiring specified information to be included in the authority's annual report; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendment:

Amendment 1 (with Title Amendment)—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Section 616.001, Florida Statutes, 1992 Supplement, is amended to read:

616.001 Definitions.—As used in this chapter, the term:

- (1) "Authority" means the Florida State Fair Authority.
- (2) "Community fair" means a fair which serves an area of less than an entire county and the exhibits of which are in accordance with s. 616.17 and in which premiums or awards are given to exhibitors of the fair. Agricultural products shall be produced in the community the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the community the fair represents.
- (3) "Council" means the Agricultural and Livestock Fair Council.
- (4) "County fair" means a fair which serves an entire county and the exhibits of which are in accordance with s. 616.17 and in which premiums or awards are given to exhibitors of the fair. Agricultural products shall be typical of those produced in the county the exhibit represents in meeting minimum exhibit requirements. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the county the fair represents.
- (5) "Department" means the Department of Agriculture and Consumer Services.
- (6) "District fair" means a fair which serves at least five counties and the exhibits of which are in accordance with s. 616.17, which fair shall pay not less than a minimum of \$25,000 in cash premiums or awards to exhibitors of the fair. Agricultural products shall be typical of those produced in the county the exhibit represents. Livestock may originate from outside the district, but must be registered in the exhibitor's name 30 days before the opening day of the fair. Each county shall be encouraged to have proportionate exhibits, typical of its respective natural resources. Each county shall have exhibits in some phase of basic resources in agriculture and industry.

(7) "Entry" means one item entered for competition or show. An entry may or may not constitute an exhibit, depending upon the regulations as stated in the premium book.

(8) "Exhibit" means one or more entries entered for exhibition and constituting a unit. An exhibit may consist of one or more entries, depending upon the regulations as stated in the premium book.

(9) "Exhibitor" means an individual, group of individuals, or business having an entry or entries in a show or fair.

(10) "Fair association" or "association" means an association not for profit incorporated under this chapter for the purpose of conducting and operating public fairs or expositions.

(11)(14) "Public fair or exposition" means a fair or exposition not for profit for the purpose of the benefit and development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the state, or any county or counties of the state, or any municipality or other community of any county of the state.

(12)(11) "Regional fair" or "interstate fair" means a fair of several states, one of which is Florida, in which fair exhibits are in accordance with s. 616.17. Agricultural products shall be typical of those produced in the area the exhibit represents.

(13)(12) "Specialized show" means a show or exhibition exhibiting and emphasizing a livestock or poultry show, or a fruit or vegetable festival, and shall meet the minimum exhibit requirements as defined in s. 616.17. A specialized show may qualify under one of the definitions in subsections (2), (4), (6), and (14) (13).

(14)(13) "State fair" means a fair which serves the entire state and in which no less than 20 percent of all the counties of the state are represented in agricultural and industrial exhibits, and in which 50 percent of all the counties of the state have individual exhibitors, youth or adult. Exhibits shall be in accordance with s. 616.17, and cash premiums or awards totaling no less than \$50,000 shall be given to exhibitors of the fair. Agricultural and industrial products and livestock shall be typical of those produced in the county the exhibit represents.

Section 2. Section 616.01, Florida Statutes, is amended to read:

616.01 Number of persons required; requisites of proposed charter.—Twenty-five or more persons who are residents and qualified electors of the county wherein the fair is to be located, wishing to form an association not for profit for the purpose of conducting and operating public fairs or expositions for the benefit and development of the educational, agricultural, horticultural, livestock, and other resources of the state or any county or counties of this state, may become incorporated in the following manner. They shall submit the proposed charter to the department for review and approval and then present to the judge of the circuit court for the county in which the principal office of the such association is to be located a proposed charter signed by the intended incorporators, which shall set forth:

- (1) The name of the association and the place where the principal office is to be located. The name of the such association shall include the word, "Inc."
- (2) The general nature of its objects and powers, including a provision that the association is incorporated for the sole purpose of conducting and operating public fairs or expositions for the benefit and development of the educational, agricultural, horticultural, livestock, and other resources of the state or any county or counties of the state.
- (3) The qualifications and terms of members and the manner of their admission and expulsion. Provision may be made in the charter for ex officio membership, and memberships may be for terms of years.
- (4) The time for which it is to exist.
- (5) The names and residences of the subscribers.
- (6) By what officers its affairs are to be managed, and the time at which the officers will be elected or appointed.
- (7) The names of the officers who are to manage its affairs until the first election or appointment under the charter.
- (8) By whom its bylaws are to be made, altered, or rescinded.

(9) The highest amount of indebtedness or liability to which it may at any time subject itself.

Section 3. Section 616.02, Florida Statutes, is amended to read:

616.02 Acknowledgment of charter.—The proposed charter of a fair association shall be acknowledged by at least three of its the subscribers, each a person of good character and reputation, before an officer authorized to make acknowledgment of deeds, which subscribers shall also make and subscribe to an oath, to be attached to the proposed charter, that the primary sole object of the association is public service; that there has been provided for the purposes of the association property, money, and other available assets in value exceeding \$5,000; and that the association intends it is intended in good faith to carry out the purposes and objects therein set forth in its charter.

Section 4. Section 616.03, Florida Statutes, is amended to read:

616.03 Notice of application; approval and record of charter.—Notice of intention to apply to the circuit judge for the any-such charter of a fair association, stating the time when the application will be made, shall be sent to the department for approval and then shall be published in a newspaper in the county where the principal office of the association is to be located once each week for 4 consecutive weeks, setting forth briefly the charter and objects of the association to be formed. The proposed charter shall be submitted to and approved by the board of county commissioners of the county in which the principal office of the association is to be located. Upon approval of the department and the board of county commissioners, the proposed charter with proof of both such approval and proof of publication shall be submitted produced to the circuit judge at the time named in the notice; and, if no cause is shown to the contrary and if the judge he finds the proposed charter to be in proper form and so sworn to and for the primary an object of public service authorized by this chapter, the judge he shall approve the charter and render a decree incorporating the subscribers under the charter for the objects and purposes and with the powers therein specified. The Such charter and such decree of incorporation shall then be recorded in the office of the clerk of the circuit court in the county where the principal office of the such corporation or association is to be located and in the office of the department. Thenceforth the subscribers and their associates shall be incorporated by the name given in the such charter and with the objects and powers set forth therein. The proposed charter, during the time of publication, shall be on file in the office of the clerk of the circuit court.

Section 5. Section 616.04, Florida Statutes, is amended to read:

616.04 Evidence of existence and contents of charter.—A certified copy of the said charter and decree of incorporation of a fair association shall be evidence of the contents of the said charter in all actions and proceedings, and shall be conclusive evidence of the existence of the incorporated association in all actions and proceedings where the question of its existence is only collaterally involved, and prima facie evidence in all other actions and proceedings.

Section 6. Section 616.05, Florida Statutes, is amended to read:

616.05 Amendment of charter.—Any fair such association desiring to propose an amendment of its charter may do so by resolution as provided in its bylaws. The proposed amendment shall be submitted to the department for approval. When approved, the proposed amendment, upon publication of notice, placement on file in the office of the clerk of the circuit court and in the office of the department of Agriculture and Consumer Services, the rendering of a decree of the circuit judge approving and allowing the amendment, and being recorded in the clerk's office, shall be incorporated into become and shall be taken as a part of the original charter.

Section 7. Section 616.051, Florida Statutes, is amended to read:

616.051 Dissolving a charter.—Any fair association desiring to dissolve its charter may do so by resolution as provided in its bylaws. The proposal for dissolving the charter shall be submitted to the department for approval. Upon approval and upon publication of notice and proof that all indebtedness has been paid and no claims are outstanding against the association corporation, the circuit judge may, by decree, dissolve the association corporation and order its such public funds remaining to be distributed as recommended by the board of directors.

Section 8. Section 616.06, Florida Statutes, is amended to read:

616.06 Amount of indebtedness authorized.—Any fair association formed and incorporated under this chapter may subject itself to indebtedness or liability in an aggregate sum not greater than the limit stated in its said charter or any amendment thereto, without regard to the value of its property. But Any fair association organized under this chapter may also subject itself to specific bonded or mortgage indebtedness, in addition to and without regard to its general powers or limit as to indebtedness or liability.

Section 9. Section 616.07, Florida Statutes, is amended to read:

616.07 Members not personally liable; property of association held in trust; exempt from taxation.—

(1) No member, or officer, director, or trustee of a fair any association organized under this chapter shall be personally liable for any of the debts of the such association; and no money or property of a fair any-such association shall be distributed as profits or dividends among its members, or officers, directors, or trustees, but all money and property of the such association shall, except for the payment of its just debts and liabilities, be and remain perpetually public property, administered by the association as trustee, to be used exclusively for the legitimate purpose of the association, and shall be, so long as so used, exempt from all forms of taxation.

(2) Any public funds or property remaining in a fair association corporation organized under this chapter when the association a corporation is dissolved shall be distributed by resolution of the board of directors, upon order of the circuit judge to any county or any municipality city within the county, and may provide in the distribution resolution the public project on which the funds shall be used or the use to which the property shall be put; provided, however, that where property has been contributed by a municipality city or county, the property shall be reconveyed to the municipality city or county making the contribution of said property.

Section 10. Section 616.08, Florida Statutes, is amended to read:

616.08 Additional powers of association.—Every fair association organized under this chapter shall have the power to hold, conduct, and operate public fairs and expositions as defined herein annually and for such purpose to buy, lease, acquire, and occupy lands, erect buildings and improvements of all kinds thereon, and to develop those lands, buildings, and improvements the same; to sell, mortgage, lease, or convey any such property or any part thereof, in its discretion, from time to time; to charge and receive compensation for admission to those such fairs and expositions, for and the sale or renting of space for exhibitions, and for or other privileges; to conduct and hold public meetings; to supervise and conduct lectures and all kinds of demonstration work in connection with or for the improvement of agriculture, horticulture, and stockraising and poultry raising, and all kinds of farming and matters connected therewith; to hold exhibits of agricultural agriculture and horticultural products and; livestock, chickens, and other domestic animals; to give certificates or diplomas of excellence; to promote the progress of the geographical area it represents and serves and stimulate public interest in the advantages and development of that area by providing facilities for agricultural and industrial exhibitions, public gatherings, cultural activities, and other functions which the association determines will enhance the educational, physical, economic, and cultural interests of the public; and generally to do, perform, and carry out all matters, acts, and business usual or proper in connection with public fairs and expositions as defined herein; but this enumeration of particular powers shall not be in derogation of or limit any special provisions of the charter of the such association inserted for the regulation of its business, and the conduct of its affairs of creating, defining, limiting, and regulating the powers of the association or; its officers or members; provided, the treasurer or similar officer of the said association shall be required to give a good and sufficient bond with a surety company duly authorized under the laws of the state, payable to the said association and in an amount equal to the value of the total amount of money and other property in that officer's his possession or custody, in addition to the value of any money and property of the such association that may reasonably be expected to come into that officer's his possession or custody.

Section 11. Section 616.09, Florida Statutes, is amended to read:

616.09 Not authorized to carry on gambling, etc.; forfeiture of charter for violations; annulment proceedings.—Nothing in this chapter shall be held or construed to authorize or permit any fair association organized hereunder to carry on, conduct, supervise, permit, or suffer any gambling or game of chance, lottery, betting, or other act in violation of the criminal laws of the state; and provided that nothing in this chapter shall permit horseracing horse or dogracing or any other pari-mutuel wagering, for money or upon which money is placed, and Any fair association organized under this chapter which violates shall violate any such law of said laws or which shall knowingly permits permit the violation of any such law is same to be done shall be subject to forfeiture of its charter; and if any citizen complains shall complain to the Department of Legal Affairs that the any association organized under this chapter was organized for or is being used as a cover to evade any of the laws of Florida against crime, and submits shall submit prima facie evidence to sustain the such charge, the Department of Legal Affairs shall institute, and in due time prosecute to final judgment, such proceedings as may be necessary to annul the charter and incorporation of the such association. A writ, and writs of injunction or other extraordinary process shall be issued by a court courts of competent jurisdiction on the application of the Department of Legal Affairs on complaint pending the any such annulment proceeding and in aid thereof, and the case all such cases shall be given precedence over all civil cases pending in that court such courts, and shall be heard and disposed of with as little delay as practicable.

Section 12. Section 616.091, Florida Statutes, 1992 Supplement, is renumbered as section 616.241, Florida Statutes, and amended to read:

616.241 616.091 Trade standards for operation at of public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and parking lot still dates.—Trade standards for the operation of shows or games and amusement devices in connection with public fairs and expositions are as follows:

(1) Approval of shows.—The approval of all shows will be left to the discretion of the fair management.

(2) Walk-through show.—When donations are accepted, a sign to that effect shall be plainly posted at the entrance to the show.

(3) Specifications for ticket or change booth.—The counter of the ticket or change booth patronized by children may not be more than 4 feet above the ground.

(4) Protection to fair patrons.—In order to provide adequate protection to fair patrons, for any motor dome show or any other similar show, in which equipment is used as a ballyhoo or for any other purpose, there shall be a barrier, guardrail, or chain of sufficient strength or height to prevent any equipment out of control from leaving the platform.

(5) Game regulations.—The operator of a game at any public fair or exposition as defined in this act, before and during operation, must have and keep in a conspicuous place a sign stating the cost of a play and an explanation of how the game is played. The lettering on signs shall be plain and may not be less than 2 inches in height. Signs or placards shall be of permanent material so they can be used from one fair to the next. The game shall be closed until compliance with the regulation is provided.

(6) Capital prize.—Prizes shall be left to the discretion of the fair management; however, a capital prize must be given. No operator is permitted to display merchandise of any type which is not one of the prizes possible to be won. Each prize shall be so marked that any player may know in advance what is required necessary for him to do to win any one of the prizes displayed. No flash display is permitted.

(7) Operators of games regulated.—The operator of a game must work inside of the concession at all times except in a concession for which the operator has secured permission from the management to work on the outside, not over 4 feet from the barrier and only in front of the operator's his own game.

(8) False advertising.—False advertising by banner or word-of-mouth or otherwise is prohibited.

(9) Violations; reporting.—The Florida law forbids lotteries, gambling, raffles, and other games of chance at community, county, district, state, regional, or interstate fairs and specialized shows. Enforcement is the responsibility of local boards and authorities.

(10) Particular games.—The department shall prescribe by rule the particular games which may be exhibited at a public fair or exposition. Such rules shall include the operating standards and procedures to be used for all authorized games.

(a) Milk bottle ball game.—The operator of a milk bottle ball game must operate at all times with the number of milk bottles on the sign. No bottle may weigh over 3 pounds. All bottles shall be free from defects, and each set shall be uniform in size. The base on which the bottles are set shall be not less than 18 inches from the ground. The front barrier shall not be higher than the base on which the bottles are set. The base shall be at least 6 feet from the front barrier. A rim not to exceed one half inch will be permitted if operating the game "all over." No obstruction whatsoever will be permitted around the base on which the bottles are set if operating the game "all off."

(b) Huckla buck kegs, milk can, or similar game.—A huckla buck kegs, milk can, or similar game must be set on a frame and kept level at all times. Each operator must operate the number of kegs indicated on the sign throughout the season without change. Rubber and plastic balls are prohibited. The width of the opening of the kegs in a huckla buck, milk can, or similar game shall be such that there is not less than three-fourths inch from the center position of the ball.

(c) Roll a game.—The board shall be level laterally and unwarped with no obstruction to make the ball jump. All slots or holes shall be colored or well numbered to show wins. All slots or holes must be in an even row at the back of the board and not staggered. The ball shall be solid and round at all times.

(d) Break balloon ball game.—Balloons shall be stationary on the targets. Rubber, plastic, or cork balls are prohibited.

(e) Break the record game.—Records shall be placed in a stationary grooved rack at least 20 feet from the front barrier. The operator of a break the record game must provide a protective covering on three sides and the top to protect the public. A canvas backdrop shall be used. Unbreakable records may not be used.

(f) Clown pop em in or bungalow board game.—A clown pop em in or bungalow board game must have at least one half inch clearance over the size of the ball, and the target must not be over 10 feet in distance.

(g) Bowling alley.—Automatic bowling alleys are allowed.

(h) Cat racks.—Cat racks shall have but one rail which shall be in the front only. The rail may not extend over 1 inch above the shelves where the cats are placed. The width of the shelves on which the cats are placed may not exceed the length of the cat plus 3 inches; fur trim is not to be included in the length of the cat. The distance of the separations between the shelf boards where the cats are set may not exceed 1 inch; no more than three separations per shelf are permitted. Shelves shall be level at all times. The canvas backdrop must be at least the length of the cats plus 3 inches back from the rear edge of the shelf. The weight of the cats may not exceed 2 pounds.

(i) Dunking machine or similar game.—When men or women are used on a target seat, they may not use foul or insulting language, and they must be properly dressed. Rubber, plastic, or cork balls are prohibited.

(j) Break balloon dart game.—The target board playing area must be at least 75 percent full of target balloons inflated at all times. Blunt pointed darts are prohibited.

(k) Ring bottle game.—The table or stand supporting the bottles shall be at such a height that the top of bottles to be rung does not exceed 4 feet from ground level. No obstruction may be placed between or around the bottles at any time. The clearance of the ring shall be such that there is not less than one fourth inch clearance measured from the inside of the ring to the neck of the bottle. Ring bottle games shall be operated so as to be level at all times. The use of grease or wax on rings, platforms, or bottles is prohibited.

(l) Cane rack.—Cane racks shall be 90 percent filled with canes at all times. The canes shall be arranged so that each and every cane can be rung. The clearance of the ring shall be such that there is not less than three eighths inch clearance measured from the inside of the ring to the head of the cane.

(m) ~~Fishing pole or bottle setup game.~~—The platform on which the bottles are placed must be not less than 12 inches square. The bottles must be placed in the center of the platform. The platform shall be level at all times. The rings shall not have more than three eighths inch clearance. The use of grease or wax on rings, platforms, or bottles is prohibited.

(n) ~~Hoop la game.~~—A hoop la game shall have three eighths inch clearance on flat solid blocks uncovered, and no prizes may project over the blocks. The blocks must be placed on the table with sufficient clearance to permit any hoop to surround the block unobstructed. The blocks are unnecessary under cigarettes. All prizes displayed on the block entitle a player to win all the prizes on the block. The hoops must be round and uniform in size. The platform may not be more than 24 inches from the ground.

(o) ~~Wooden duck game.~~—For a ring wooden duck game or any other game using rings, the clearance of the ring may not be less than three eighths inch.

(p) ~~Guess weight or guess age game.~~—Guess your weight or age operators shall guess weight and age by observation only. Scale dials must have clear figures and must be illuminated at all times so they can be read by the public.

(q) ~~Hi strikers.~~—Hi strikers shall be in good condition at all times. The slides or wires shall be straight and free of any obstruction or controls. The slide board must be plumb at all times. All mallets must be in good condition. There shall be a fence of sufficient strength not less than 36 inches high around the striker to protect the public.

(r) ~~Pitch game.~~—The stand on which the prizes are placed shall be 90 percent filled at all times. Each and every prize shall have a large enough opening and shall be so arranged that it can be won. When a target is used for choice, it must be so stated by sign how the choice prize is won.

(s) ~~Long range, cork, or bazooka gallery.~~—The guns shall be attached to the counter in a manner to protect the public. A lead gallery shall use nonspatter bullets only. A gallery must have good side and backwall protection at all times.

(t) ~~Cork shooting gallery.~~—Guns in good mechanical condition must be used in a cork shooting gallery. No chipped or crooked corks may be used. The shelves where targets are placed may not exceed 4 inches in width, and no obstruction may interfere with the prize falling off a shelf. No targets may be used which cork guns cannot shoot off the shelf.

(u) ~~Archery.~~—The operator of an archery game must provide a protective covering on three sides and the top to protect fair patrons from stray arrows.

(v) ~~Ring the pin game.~~—The operator of a ring the pin game must arrange the pins so that they remain stationary and perpendicular at all times. The pins shall be arranged so that it is possible to ring each and every pin. The top row of pins must not be higher than 4 feet above the ground.

(w) ~~Football game.~~—The operator of a football game, when a hole in the canvas is used as a target, must provide regulation footballs to be thrown, and the clearance in the target shall be at least 1 inch measured from the largest part of the football.

(x) ~~Ball game.~~—The operator of any ball game must provide balls which are round, firm, and smooth and not broken or frayed. All games operated at any fair, as defined in this chapter, must be maintained in good condition and must be under the supervision of a competent operator at all times the game is in operation.

(11) ~~Concessionaires generally.~~—All concessionaires are prohibited from exhibiting at any public fair or exposition specialized show any game or device which has not been authorized ruled out by rule of the department this statute.

Section 13. Section 616.0915, Florida Statutes, 1992 Supplement, is renumbered as section 616.242, Florida Statutes, and amended to read:

616.242 616.0915 Safety standards for operation at public fairs and expositions.—Safety standards for the operation of amusement devices, amusement attractions, and temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and parking lot still dates are as follows:

(1)(a) The purpose of this section is to guard against personal injuries in the assembly, disassembly, and use of amusement devices, amusement attractions, and temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and any parking lot still dates. Such devices, attractions, and structures shall be designed, constructed, assembled or disassembled, maintained, and operated so as to prevent such injuries.

(b) It is the express intent of the Legislature that the department is responsible for inspecting and testing each amusement device at every public fair and exposition, carnival, festival, celebration, bazaar, permanent facility, and parking lot still date conducted in the state. However, the department may, by rule, establish exemptions for unpowered, non-mechanized equipment and coin-actuated equipment.

(2) This section applies throughout the state to amusement devices, amusement attractions, and temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and any parking lot still dates. With the exception of paragraph (5)(b), this section does not apply to permanent facilities that employ at least 1,000 full-time employees and that maintain full-time in-house safety inspectors approved by the department.

(3) As used in this section, the term:

(a) "Amusement device" means any mechanical device or combination of devices which carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement.

(b) "Temporary amusement device" means a device that is used as an amusement device or amusement attraction that is regularly relocated from time to time, with or without disassembly.

(c) "Permanent amusement device" means a device that is used, or intended to be used, as an amusement device or amusement attraction that is erected to remain a lasting part of the premises.

(d) "Sponsor of event" means the agency, organization, or entity that hosts and promotes the event.

(e) "Permit" means that document which signifies that the amusement device or amusement attraction has undergone and passed its annual inspection. The department shall affix a decal that clearly shows the month and year of expiration.

(f) "Certificate to operate" means that document which indicates that the temporary amusement device has undergone the inspection required after setup. It shall show the date of inspection, the location of the inspection, the name of the inspector, and the maximum amount of weight allowed per car or rideable unit.

(g) "Serious injury" means an injury requiring an overnight stay in a hospital for treatment or observation.

(h) "Manager" means a person having possession, custody, or managerial control of an amusement device, amusement attraction, or temporary structure, whether as owner, lessee, or agent or otherwise.

(i) "Amusement attraction" means any building or structure around, over, or through which persons may move or walk, without the aid of any moving device integral to the building or structure, which building or structure provides amusement, pleasure, thrills, or excitement. The term does not include enterprises principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts. Further, the terms "amusement device" and "amusement attractions" shall not include playgrounds operated by schools, local government, or businesses licensed by chapter 509, which are not primarily engaged in providing amusement, pleasure, thrills, or excitement and provide the playground as an incidental amenity.

(j) "Permanent facility" means a location or place where amusement devices or amusement attractions operate as a lasting part of the premises.

The terms "amusement device" and "amusement attraction" do not include any playground operated by a school, local government, or business licensed under chapter 509, if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure, thrills, or excitement.

(4)(a) An amusement device or amusement attraction may not be operated in the state without a permit issued by the department. Temporary amusement devices and amusement attractions must also have a certificate to operate. The permits and certificates are not transferable, and if any permit holder voluntarily discontinues operation of the amusement device or amusement attraction, all rights secured under the permit are terminated.

(b) Before commencement of the operation of a permanent or temporary amusement device or amusement attraction, the owner shall make written application to the department for a permit to operate. The permit is valid for 1 year.

(c) A temporary amusement device or amusement attraction may not be used at any time or location unless prior notice of intent to use it has been given to the department. Notice of planned schedules must:

1. Be in writing.
2. Identify the temporary device or attraction.
3. State the intended dates and locations of use.
4. Be mailed to the department at least 15 days before the first intended date of use.

(d) Permits and certificates to operate shall be issued to the owner of an amusement device or amusement attraction when:

1. Written application has been made to the department.
2. The amusement device has passed all required inspections.
3. The liability insurance or bond has been met in the amount prescribed.

(e) The department shall revoke any permit issued under this chapter or impose an administrative fine of up to \$500 per violation per day if it finds that the amusement device or amusement attraction for which it is issued is:

1. Being operated without the inspections required by this section;
2. Being operated without the insurance required by this section; or
3. Being operated with a mechanical, structural, or electrical defect which presents a risk of serious injury to passengers; or
4. Being operated after the device or attraction has been involved in an accident resulting in a death or serious injury.

(f) Any other violation of this section may result in a revocation of the permit or certificate to operate or both, or imposition of an administrative fine of up to \$500 per violation per day, if written notice of noncompliance is served upon the owner specifying the violation and directing the owner to correct the violations within 30 days after receipt of the notice. If the owner and the department fail to agree that the violation referred to in this paragraph has in fact been corrected, the department shall give notice of and provide a hearing for the owner to determine whether compliance has in fact been met.

(g) Nothing in this section prevents an owner whose permit to operate an amusement device or amusement attraction has been revoked under this section from reapplying for a permit. Upon application by an owner to have a revoked permit reinstated under this section, the department shall inspect the amusement device or amusement attraction in question as promptly as practical, but not later than 72 hours after the submission of the application.

(h) The permit in the form of a decal shall be displayed at a conspicuous place on the amusement device or amusement attraction. The certificate to operate shall be displayed at a conspicuous place for patrons of the amusement device or amusement attraction.

(5)(a) Before a permit may be issued as provided in this section, an inspection of the amusement device or amusement attraction must be made in compliance with the procedures set by the department. The inspection must have been conducted within 1 year prior to the permit application.

(b) A permanent amusement device or amusement attraction must be inspected by the department at the time of application for the initial

permit and annually thereafter. However, a permanent facility that employs in-house, full-time safety inspectors who meet the requirements of the department may provide the department with an affidavit stating that all devices or attractions on the premises have been inspected and tested as required by the department. Thereafter, as a requirement for the issuance of each subsequent permit, it must be inspected at least annually by a professional mechanical engineer licensed by the State of Florida or another state with comparable standards for licensure, a qualified representative of the manufacturer of the ride, or an inspector of an insurance underwriter. Prior to becoming eligible to inspect rides, these individuals must document to the department the following qualifications: A minimum of 5 years experience in the amusement ride field, at least 2 of which were involved in actual ride inspection with a manufacturer, government agency, park, or carnival; at least 80 hours of formal education from a nationally recognized school for amusement ride safety during the past 5 years; and maintain 40 hours per year continuing education at a school approved by the department. The inspection shall, at a minimum, comply with the requirements of the department and shall include, for each permanent amusement device, some form of nondestructive test for metal fatigue recognized by the American Society for Non-Destructive Testing. An affidavit of the annual inspection must be filed with the department.

(c) A temporary amusement device or amusement attraction, upon first entry into the state, must be inspected by the department for the permit to be issued. Thereafter, as a requirement for issuance of each subsequent permit, it must be inspected at least annually by a professional mechanical engineer licensed by the State of Florida or another state with comparable standards for licensure, a qualified representative of the manufacturer of the ride, or an inspector of an insurance underwriter. Prior to becoming eligible to inspect rides, these individuals must document to the department the following qualifications: A minimum of 5 years experience in the amusement ride field, at least 2 of which were involved in actual ride inspection with a manufacturer, government agency, park, or carnival; at least 80 hours of formal education from a nationally recognized school for amusement ride safety during the past 5 years; and maintain 40 hours per year continuing education at a school approved by the department. The inspection shall, at a minimum, comply with the requirements of the department and shall include, for each temporary amusement device, some form of nondestructive test for metal fatigue recognized by the American Society for Non-Destructive Testing. An affidavit of the annual inspection must be filed with the department.

(d) A temporary amusement device or amusement attraction, upon first entry into the state, requires only visual inspection by the department as to the device or attraction being correctly assembled if:

1. The owner of the device or attraction supplies a valid and current certificate of inspection from another jurisdiction; and
2. The jurisdiction providing the certificate of inspection offers similar reciprocity for certificates of inspection issued by this state.

(e) If an amusement device or amusement attraction is substantially rebuilt or substantially modified so as to change the structure, mechanism, or capacity of the device or attraction, the owner shall give written notice to the department, which shall cause the device or attraction to be inspected prior to the time it is put into operation and shall cause any current permit to be updated so as to include any modifications made to the device or attraction.

(f) If an owner is unable to secure an inspection within 1 year after the date of the previous inspection, the previous inspection is valid for purposes of this chapter for a period of 30 additional days if the owner made an inspection request to an individual qualified to make the inspection at least 60 days prior to the inspection anniversary date.

(g) Upon proper presentation of credentials, an authorized employee of the department may enter unannounced and inspect amusement devices at any time and in a reasonable manner and has the right to question any owner, manager, or agent of the owner; to inspect, investigate, photograph, and sample all pertinent places, areas, and devices; and to examine and reproduce all pertinent documents and records for the purpose of enforcing this chapter. A fee may not be charged for these unannounced inspections.

(h) An amusement device or an amusement attraction that fails to pass an inspection may not be operated for public use until it has passed

a subsequent inspection. If the department or the manager finds that an amusement device or *amusement* attraction presents an imminent danger, the department shall issue an imminent danger order and shall issue and attach a stop operation order prohibiting the use of the device or attraction. Such order may not be removed until the device or attraction is made safe, and may be removed only by the department.

(6) All amusement devices, amusement attractions, and temporary structures operating in the state shall be permitted and, when required, certified and inspected by the department. Fees for such permits and certificates and inspections shall be established by rule of the department at a rate that will cover 100 percent of the cost of the program, and the fees shall be deposited in the General Inspection Trust Fund.

(7) Each amusement device shall be inspected and tested by the department before operation so as to test the full operation of all control devices, speed-limiting devices, brakes, and other equipment provided for safety before a certificate to operate is issued. A copy of the inspection report shall be on file in the office of the manager of the fair or coordinator of the event before the ride is opened to the public.

(8) Every amusement device or amusement attraction shall be identified by a trade or descriptive name and an identification number; and there shall be firmly attached thereto, in a readily visible location, a metal plate upon which there is legibly impressed the name and number of the device, its model number, if any, and the name and address of the manufacturer. Upon such metal plate or another metal plate, the maximum safe number of passengers and the maximum safe speed shall be stated.

(9) Parts shall be properly aligned; and they may not be bent, distorted, cut, or otherwise injured to force a fit. Parts requiring lubrication shall be lubricated in the course of assembly. Fastening and locking devices shall be installed where required for dependable operation.

(10) A sufficient number of persons to do the work properly shall be engaged for such assembly or disassembly. Persons not engaged in such work shall be prevented from entering the area in which the work may create a hazard.

(11)(a) Each temporary amusement device or amusement attraction must be inspected upon setup at each location by the department. The temporary amusement device or amusement attraction may not be permitted to operate unless the inspection has taken place.

(b) The manager of a temporary amusement device or amusement attraction must visually inspect the device daily. This inspection shall be recorded daily on a form devised by the department. The last 14 daily forms must be kept with the temporary amusement device or amusement attraction. A copy of the inspection report shall be on file in the office of the manager of the fair or coordinator of the event before the ride is opened to the public.

(c) If an accident involving an amusement device or amusement attraction results in death or serious injury, the department shall impound the amusement device or amusement attraction and perform all necessary tests to determine the cause of the accident. The cost of impounding the amusement device or amusement attraction and performing necessary tests shall be borne by the owner of the amusement device or amusement attraction.

(12) An amusement device or amusement attraction may not be overcrowded or loaded in excess of its safe carrying capacity; nor may it be operated at an unsafe speed or at any speed beyond that recommended by the manufacturer.

(13) Before being used by the public, an amusement device or amusement attraction shall be placed or secured with blocking, cribbing, outriggers, guys, or other means so as to be stable under all operating conditions.

(14) An amusement device may not be used or operated while any person is so located as to be endangered by it. Areas in which persons may be endangered shall be fenced, barricaded, or otherwise effectively guarded against contact.

(15) Machinery used in or with an amusement device or amusement attraction shall be enclosed, barricaded, or otherwise effectively guarded against contact.

(16) An amusement device or amusement attraction powered so as to be capable of exceeding its maximum safe operating speed shall be provided with a maximum-speed-limiting device.

(17) The interior and exterior parts of all passenger-carrying amusement devices or amusement attractions with which a passenger may come in contact shall be smooth and rounded and free from sharp, rough, or splintered edges and corners, with no projecting studs, bolts, screws, or other projections which might cause injury. Interior parts upon or against which a passenger may be forcibly thrown by the action of the amusement device or amusement attraction shall be adequately padded.

(18)(a) The outlets of electrical powerlines carrying more than 120 volts shall be clearly marked to show their voltages.

(b) Electrical apparatus and wiring located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.

(c) Bare wires and other uninsulated current-carrying parts shall be guarded against inadvertent contact by means of a proper location or by a fence or other barrier.

(d) Wiring laid on a surface traversed by vehicular or pedestrian traffic shall be adequately protected against wear and abrasion.

(19)(a) Fabrics constituting part of an amusement device or amusement attraction or a temporary structure shall be fire resistant.

(b) Flammable waste such as oily rags and other flammable materials shall be placed in covered metal containers kept in easily accessible locations. Such containers may not be kept at or near exits.

(20) A suitable number of containers for refuse shall be provided in and around all amusement devices, amusement attractions, and temporary structures. Excessive accumulations of trash or refuse shall be promptly removed. All parts of amusement devices, amusement attractions, and temporary structures used by passengers or customers shall be maintained in a clean condition.

(21) A person may not operate an amusement device or amusement attraction unless at the time of operation there is in existence:

(a) An insurance policy in an amount of not less than \$1 million per occurrence insuring the owner or lessee against liability for injury to persons arising out of the use of the amusement device or amusement attraction; or

(b) A bond in a like amount; however, the aggregate liability of the surety under *the* such bond may not exceed the face amount thereof.

The policy or bond shall be procured from one or more insurers or sureties licensed to transact business in this state or approved as surplus lines insurers.

(22) All amusement devices and *amusement* attractions operated in the state shall comply with the American Society for Testing and Materials Committee F-24 Standards on Amusement Rides and Devices, which are hereby adopted.

(a) In the absence of applicable American Society for Testing and Materials testing requirements, the department shall establish minimum requirements for nondestructive tests for metal fatigue.

(b) When the department determines it necessary due to environmental conditions, the department may establish more stringent test requirements for an amusement device or *amusement* attraction.

(23) Each manager in charge of an amusement device or *amusement* attraction shall report every accident relating to the amusement device or *amusement* attraction to the department within 24 hours after the occurrence of the accident.

(24) This subsection establishes permitting and inspection procedures for companies engaged in the rental of amusement devices and amusement attractions.

(a) All companies engaged in the rental of amusement devices and amusement attractions shall make application to the department for permits to operate pursuant to this section. Once the annual inspection is completed and the application is approved, amusement devices and amusement attractions owned or operated by rental companies shall be subject to inspection and regulation as specified in paragraphs (b) and (c).

(b) Rental companies operating amusement devices or amusement attractions singularly, or jointly with an amusement device or amusement attraction company, at a public event are subject to onsite inspections and issuance of a certificate to operate, pursuant to this section, at that a particular event when there are at the event more than three amusement devices or amusement attractions or any combination of both, or when the capacity of any amusement device or amusement attraction at the event exceeds eight persons.

(c) Any amusement device or amusement attraction used at a private event for which no admission is charged must comply with all requirements of this section. However, such amusement device or amusement attraction does not have to be inspected by the department at the time of setup.

(25) The operation of amusement attractions, commonly known in the trade as moonwalks, which are not enclosed on all sides and on the top is prohibited at both public and private functions; unless the sides are 6 feet high or higher, in which case the top need not be enclosed.

Section 14. Section 616.101, Florida Statutes, is amended to read:

616.101 Annual audit of accounts.—Once each year, an audit of the accounts of every fair association ~~organized under this chapter~~, based on sound accounting practices and procedures, shall be made by a qualified accountant licensed by the state. The results of all such audits shall be kept in the official records of each ~~association corporation~~, available to all directors of the ~~association each corporation~~. A certified copy of the audit shall be filed in the office of the department:

(1) On request by the department to certify expenditures of state premium or building funds when there is evidence of violation of state laws; or

(2) When the association is applying for a fair permit.

Section 15. Section 616.11, Florida Statutes, is amended to read:

616.11 Association authorized to contract with ~~municipality, city or county, or state~~ for use of land; admission fees ~~to fair~~; state, counties, and municipalities ~~cities~~ authorized to make contributions.—Any fair association ~~incorporated under this chapter~~ may enter into any contract, lease, or agreement with any ~~municipality city or county~~ in the state or with the state or agency or subdivision thereof for the donation to, or the use and occupation by the ~~such~~ association of any land owned, leased, or held by the ~~any such~~ county or ~~municipality or the state or agency or subdivision thereof city~~ during such time and on such terms as the ~~such~~ county or ~~municipality or the state or agency or subdivision thereof city~~ may authorize, with the right on the part of the ~~such~~ association to charge and receive an admission fee to the ~~such~~ fair or exposition or any part thereof; ~~and The state or any agency or subdivision thereof, the board of county commissioners of any county within which the such fair or exhibition is held, and the mayor and city council of any municipality city~~ within the ~~such~~ county may also make contributions of money, or property, or services to ~~fair such~~ associations to assist in carrying out the purposes of the ~~such~~ associations as ~~authorized defined~~ by this chapter; ~~and Boards of county commissioners of the various counties of the state, may expend in their discretion such sums of money as they deem for the best interests of their counties and in aiding the development of the educational, agricultural, horticultural, and livestock, charitable, historical, civic, cultural, scientific, and any other resources of their counties and in giving publicity to the advantages, facilities and agricultural, horticultural and livestock possibilities and production of their counties by providing for, aiding and assisting the exhibition and demonstration of such resources at and in connection with public such fairs and expositions, including the offering and paying of premiums for the such exhibitions of resources of their respective counties.~~

Section 16. Section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Every person who may operate under any terms whatsoever, including a lease arrangement, any traveling show, exhibition, amusement enterprise, carnival, vaudeville, minstrel, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, or other show or amusement (including a concession operating in a tent, enclosure, or other temporary structure, whether covered or uncovered) within the grounds of, and in connection with, any public fair or exposition held by a fair associ-

ation ~~incorporated under the provisions of this chapter~~ shall pay the license taxes now or hereafter provided by law; however, in the event the ~~such~~ association fully qualifies with all other provisions of this chapter ~~act~~, including securing the required fair permit from the department, the ~~such~~ traveling show, exhibition, amusement enterprise, carnival, vaudeville, minstrel, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, or other show or amusement (including a concession operating in a tent, enclosure, or other temporary structure, whether covered or uncovered) within the grounds of, and in connection with, any such fair or exposition is not required to pay any such license tax, but shall operate under a tax exemption certificate issued by the department. The department shall prescribe the proper forms and rules for carrying out the purpose and intent as expressed in this section ~~herein~~, including the necessary tax exemption certificate, to be signed by the tax collector, showing that the ~~such~~ traveling show, exhibition, amusement enterprise, carnival, vaudeville, minstrel, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, or other show or amusement (including a concession operating in a tent, enclosure, or other temporary structure, whether covered or uncovered) has met in full all requirements of this chapter ~~act~~ and accordingly is fully exempt.

(2) Any fair association ~~incorporated under the provisions of this chapter~~ and securing the required fair permit from the department is exempt from occupational license fees, occupational permit fees, or any occupational taxes assessed by any county, municipality, political subdivision, or agency, or instrumentality thereof.

Section 17. Section 616.121, Florida Statutes, is amended to read:

616.121 Making false application.—Any person who ~~makes shall make or causes cause~~ to be made any false statement in an application for a permit to hold a public fair or exposition or in an application for distribution of the amount paid for license taxes under the provisions of this chapter, with fraudulent intent of obtaining that ~~such~~ permit or amount, and ~~shall by that such~~ false statement obtains that ~~obtain such~~ permit or any part of that ~~such~~ amount for himself or for any firm or corporation in which that ~~such~~ person has a financial interest, or for whom that person he is acting, commits shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 18. Section 616.13, Florida Statutes, is amended to read:

616.13 Licenses upon shows within 5 miles of fair.—Every person engaged in the business of ~~providing temporary amusement devices and amusement attractions traveling shows, exhibitions, or amusement enterprises, including carnivals, vaudeville, minstrels, rodeos, theatricals, games or tests of skill, riding devices, dramatic repertoires, and all other shows or amusements in tents or temporary structures whether covered or uncovered~~, within 5 miles of and within 30 days before or during any public fair or exposition being operated by a fair ~~an~~ association ~~incorporated under the provisions of this chapter~~, when not operating in connection with that ~~such~~ fair or exposition, shall pay a license tax of \$1,000 per day.

Section 19. Section 616.14, Florida Statutes, is amended to read:

616.14 Number of fairs; penalty.—

(1) Any fair association ~~incorporated under the provisions of this chapter~~ that conducts more than one public fair or exposition during any one calendar year is subject to revocation of its charter by the court granting the ~~such~~ charter.

(2) Any fair ~~such~~ association that does not conduct a public fair or exposition for a period of 3 calendar years shall, upon the recommendation of the department, have its charter revoked by the court granting the ~~such~~ charter.

Section 20. Section 616.15, Florida Statutes, 1992 Supplement, is amended to read:

616.15 Permit from Department of Agriculture and Consumer Services required.—

(1) No public fair or exposition may be conducted by a fair ~~an~~ association ~~incorporated under the provisions of this chapter~~ without a permit issued by the department. The ~~Such~~ permit shall be issued in the following manner: The association shall present to the department an application for the permit, signed by an officer of the association, at least 3 months before holding the fair or exposition; this application shall be

accompanied by a fee in an amount to be determined by the department not to exceed \$366 ~~\$100~~ or be less than \$183 ~~\$50~~ for processing *the such* application and making any required investigation. The fees collected under *this subsection hereunder* shall be deposited in the General Inspection Trust Fund of the State Treasury in a special account to be known as the "Agricultural and Livestock Fair Account." The department may issue *the such* permit with the advice and counsel of the Agricultural and Livestock Fair Council, provided the application sets forth:

- (a) The opening and closing dates of the proposed fair or exposition.
- (b) The name and address of the owner of the central amusement attraction to operate during the fair or exposition.

(c) An affidavit properly executed by the president or other chief executive officer of the applicant association certifying the existence of a binding contract entered into by *the such* association or exposition and the owner of the central amusement attraction covering the period for which the permit from the department is applied. *The Such* contract or contracts between *the such* parties shall be available for inspection by duly authorized agents of the department in administering this *chapter act*.

(d) A statement that the main purpose of the association is to conduct and operate the proposed fair or exposition for the benefit and development of the educational, agricultural, horticultural, livestock, *charitable, historical, civic, cultural, scientific*, and other resources of the *geographical area the fair or exposition represents and serves state*. The statement shall be in writing, shall be subscribed, and shall be acknowledged by an officer of the association before an officer authorized to take acknowledgments.

(e) A premium list of the current fair or exposition to be conducted or a copy of the previous year's premium list showing all premiums and awards to be offered to exhibitors in various departments of the fair, such as art exhibition, beef cattle, county exhibits, dairy cattle, horticulture, swine, women's department, 4-H Club activities, Future Farmers of America activities, Future Homemakers of America activities, poultry and egg exhibits, and community exhibits, the foregoing being a list of the usual exhibitors of a fair and not to be construed as limiting the premium list to these departments. *The Such* list may be submitted separately at any time not later than 60 days before the holding of the fair or exposition, and the department of ~~Agriculture and Consumer Services~~ shall issue the permit as provided in this section within 10 days thereafter if the applicant is properly qualified.

(f) Proof of liability insurance *insuring the association against liability for injury to persons, in an amount of not less than \$300,000 per occurrence*.

(g) A copy of the most recent audit.

(h) *A list of all current members of the board of directors of the association and their home addresses.*

(2) The department shall administer and enforce the provisions of this chapter except as to the regulation of games, which shall be regulated by local law enforcement agencies. The department is authorized to make and publish rules, not inconsistent with this chapter, as to the form and contents of the application for the permit and any reports that it may deem necessary in enforcing *the its provisions of this chapter*.

(3) Notwithstanding any fair association meeting the requirements set forth in subsection (1), the department may order a full investigation to determine whether or not the fair association meets in full the *requirements of purpose set forth in s. 616.01* and accordingly may withhold a permit from, deny a permit to, or withdraw a permit once issued to *the such* association. The determination by the department shall be final.

Section 21. Section 616.17, Florida Statutes, is amended to read:

616.17 Minimum exhibits.—

(1) No public fair or exposition conducted by a *fair an* association ~~incorporated under the provisions of this chapter~~ may be approved by the department for a tax exemption certificate unless *the such* fair or exposition displays the following minimum exhibits, but this requirement may not be construed as a limitation on the number of exhibits which *the such* fair or exposition may have:

(a) Three exhibits from 4-H Clubs or Future Farmers of America chapters which are officially approved by *those such* clubs or chapters.

(b) Three exhibits of community, individual, or county farm displays.

(c) Three exhibits of field crops in at least three different crops.

(d) Three exhibits of horticultural products.

(e) Three culinary exhibits such as canned fruits, canned vegetables, canned pickles or juices, jams, jellies, cakes, bread, candies, or eggs.

(f) Three exhibits of household arts such as homemade spreads, towels, luncheon sets, rugs, clothing, or baby apparel.

(g) Three exhibits of fruit or vegetable crops in at least three different crops.

(h) Three exhibits of arts, crafts, photography, or antiques or of scout handiwork.

(i) Three exhibits from home demonstration, home economics, educational, religious, or civic groups.

(j) Three exhibits of livestock such as dairy cows, beef cattle, hogs, sheep, poultry, horses, or mules.

(2) The provisions of subsection (1) do not apply to specialized livestock shows or fruit or vegetable festivals; the minimum exhibits of *which required of such shows or festivals* shall be as follows:

(a) Each specialized livestock show shall consist of at least 50 head of animals or 300 head of poultry.

(b) Each specialized fruit, vegetable, or crop festival or exposition shall consist of at least 50 entries in the specialty, which shall occupy at least 1,000 square feet of display area.

(3) *The department may provide a waiver to the minimum exhibit requirements of this section to any fair association that submits an application for the waiver to the department, at least 60 days prior to the annual public fair or exposition in need of the waiver, and shows good cause why the requirements of this section cannot be met.*

Section 22. Section 616.19, Florida Statutes, is amended to read:

616.19 Designation of fairs.—Any ~~public agricultural and livestock fair or exposition~~ heretofore or hereafter created pursuant to this chapter shall be designated by the name stated in the permit required or stated by *its such* fair association and shall be recognized by the state as equal in dignity to the Florida State Fair and ~~shall be~~ as fully recognized as the Florida State Fair.

Section 23. Section 616.21, Florida Statutes, 1992 Supplement, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(1) No part of appropriated funds may be expended except upon approval and with the recommendation of the department. Further, no part of such an appropriation may be expended for the construction of a building unless and until a good fee simple title to the land on which *the such* building is to be constructed is vested in the county, *municipality city*, or fair association for which *the such* building is to be constructed.

(2)(a) There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed ~~chair chairman~~ annually by the commissioner, as follows: the administrator of the Agriculture Section in the Division of Vocational, Adult, and Community Education of the Department of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.

(b) The council shall meet at the call of its ~~chair chairman~~, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules. No official action may be taken by the council unless three of its members are in agreement on the particular proposal, recommendation, or motion.

(c) The members of the council shall receive no compensation for their services but shall be entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.

(3) It is the duty and responsibility of the Agricultural and Livestock Fair Council:

(a) To advise, counsel, and consult with the department upon request in connection with:

1. The adoption, administration, and enforcement of all laws and rules relating to *public* fairs and expositions.

2. Expenditures of moneys appropriated for the construction or repair of agricultural and livestock exhibit buildings in the state.

3. Issuance of permits to conduct *public* fairs or expositions ~~for the benefit and development of the educational, agricultural, horticultural, livestock, and other resources of the state~~ as provided in s. 616.15.

(b) On its own initiative, to offer suggestions and recommendations to the commissioner and the department in regard to changes in the laws and rules relating to public fairs and expositions as may be deemed advisable to secure the effective administration and enforcement of the laws and rules.

(c) Upon the request of the commissioner, to investigate violations of the provisions of this chapter and rules adopted under this chapter and to report its findings or recommendations in connection therewith to the commissioner and the department.

(4) The council may adopt rules, not inconsistent with law, to govern its own proceedings.

Section 24. Section 616.22, Florida Statutes, is amended to read:

616.22 Exhibit buildings; matching funds for construction or repair.—In the construction or repair of buildings as authorized by any annual appropriation, the money to be expended therefor from ~~the such~~ appropriation shall be matched in an equal amount by the county, ~~municipality city~~, or fair association for which ~~the such~~ buildings are to be constructed or repaired. The amount to be paid by the county, ~~municipality city~~, or fair association for ~~the such~~ construction or repair shall be made available before ~~the such~~ construction or repair is begun. In no event may an amount greater than \$25,000 be expended from ~~the such~~ appropriation for the construction or repair of exhibit buildings for any one county, ~~municipality city~~, or fair association, from funds appropriated for ~~that such~~ purpose; however, any amount not greater than \$25,000 may be expended from the appropriation for the construction or repair of exhibit buildings for any one county, ~~municipality city~~, or fair association from the unexpended balance of any appropriation regardless of the amount previously expended under any other legislative appropriation for that one county, ~~municipality city~~, or fair association.

Section 25. Section 616.23, Florida Statutes, is amended to read:

616.23 Use of buildings.—The buildings authorized by ss. 616.21-616.23 may be used by the county, ~~municipality city~~, or fair association for which the buildings are built as agricultural or livestock exhibition buildings for *public fair or exposition* purposes in the promotion of the agricultural and livestock industries ~~and for the benefit and development of the cultural, educational, agricultural, horticultural, livestock, and other resources of the state or counties or cities of the state~~. These buildings may be used as office space for agricultural agents; however, no more than 20 percent of ~~the such~~ buildings may be so used for ~~such~~ office space.

Section 26. Section 616.251, Florida Statutes, is amended to read:

616.251 Florida State Fair Authority; creation; responsibility for staging annual state fair.—

(1) There is created and constituted the "Florida State Fair Authority," a public body corporate and politic, for the purposes and with the powers ~~herein~~ set forth in *this part*. Such instrumentality, hereinafter

referred to as "the authority," shall have perpetual succession. For the purposes of implementing the intent of this *part act*, the authority shall be considered an instrumentality of the state, *subject to the jurisdiction of the state*. Any conflict with respect to that jurisdiction will be resolved by the authority and respective state agencies.

(2) The authority shall operate under the supervision of the Commissioner of Agriculture, ~~which~~. Such supervision may include, but is ~~will~~ not be limited to, assisting, advising, and making recommendations regarding the financing and operation of the authority.

(3) The authority is charged with the responsibility of staging an annual fair to ~~The fair shall~~ serve the entire state, at which ~~and~~ no less than 20 percent of ~~all the~~ counties of the state are to be represented in agricultural and industrial exhibits, and 50 percent of ~~all the~~ counties of the state are to have individual exhibitors, youth or adult. Cash premiums or awards totaling no less than \$50,000 shall be given to exhibitors. Agricultural and industrial products shall be typical of those produced in the area the exhibit represents.

(4) The principal offices of the authority shall be in such place or places in or near the City of Tampa as the authority may from time to time designate.

Section 27. Section 616.252, Florida Statutes, is amended to read:

616.252 Florida State Fair Authority; membership; number, terms, compensation.—

(1)(a) The authority shall be composed of ~~34~~ 29 members. The Governor, the Commissioner of Agriculture, the Dean for Extension at the Institute of Food and Agricultural Sciences of the University of Florida, ~~a member of the Board of County Commissioners of Hillsborough County who is designated by that board~~, and the Program Director for Agriculture and Natural Resources in the Department of Education shall serve ex officio. The Commissioner of Agriculture shall nominate three persons for each other membership, from ~~whom which~~ persons the Governor shall appoint a member of the authority. ~~Each Such~~ appointment shall be subject to Senate confirmation. At least one member shall be selected from each congressional district. The term of each member shall be 4 years, except the Governor shall appoint any member for a shorter term to ~~ensure assure~~ that no more than seven appointed members have terms that expire in any calendar year. Any vacancy shall be filled for the remainder of the unexpired term pursuant to the method ~~herein~~ provided in *this section* for appointment. Six of the members may be from Hillsborough County.

(b) At least 60 percent of the members of the authority shall be persons who are or have been directors or officers of a fair association or who have otherwise actively participated in conducting a public fair, festival, show, exposition, or similar activity. Holding a commission as a member of another board or authority does not render a person ineligible to serve as a member of the fair authority so long as the common-law rule of incompatibility does not prohibit holding both commissions.

(2) The authority shall meet at the call of its ~~chair chairman~~, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules.

(3) Members of the authority shall not be entitled to compensation for their services as members, but shall be reimbursed for travel expenses as provided in s. 112.061 and may be compensated for any special or full-time service performed in its behalf as officers or agents of the authority.

Section 28. Section 616.253, Florida Statutes, is amended to read:

616.253 Florida State Fair Authority; officers; quorum.—The authority shall elect from among its members an executive committee to consist of a *chair, chairman* who shall preside, a vice *chair chairman*, a secretary, a treasurer, and such other officers as the authority may deem necessary or expedient in the performance of its functions. The same person may serve both as secretary and treasurer, if thus designated. No more than three directors from any congressional district or county may serve on the executive committee. The authority may delegate to any of its members, officers, agents, or employees any of its powers or duties, which delegation it deems necessary to fulfill its responsibilities, and shall establish bylaws and such rules of conduct and procedure as it may deem necessary to govern its own functioning. A majority of the appointed members of the authority shall constitute a quorum. No vacancy in the membership shall impair the right of a quorum to exercise all of the powers, functions, and duties of the authority.

Section 29. Section 616.254, Florida Statutes, is amended to read:

616.254 Authority of Florida State Fair Authority to sue and be a party to suits.—The authority may sue and be sued, plead and be impleaded, and complain and defend in all courts of law and equity with respect to its contractual rights and obligations and *its responsibility* to carry out its proper purposes and functions.

Section 30. Section 616.255, Florida Statutes, is amended to read:

616.255 Duties of authority; Florida State Fairgrounds.—The authority shall:

(1) Designate a suitable location in Hillsborough County as the Florida State Fairgrounds.

(2) Throughout each year, promote the progress of the state and stimulate public interest in the advantages and development of the state by providing facilities for agricultural and industrial exhibitions, public gatherings, cultural activities, and other functions *intended calculated* to advance the educational, physical, economic, and cultural interests of the public.

(3) Hold an annual fair on the Florida State Fairgrounds for the exhibition of agricultural, industrial, mechanical, horticultural, dairy, forestry, poultry, livestock, mineral, cultural, and all other interests of the state, and establish rules of exhibition and operation for the fair. *The* ~~Such~~ fair shall be subject to the requirements of ss. 616.15 and 616.17.

(4) Erect and repair buildings on the Florida State Fairgrounds, make any and all necessary or proper improvements, and generally carry on a program of development and extension of facilities designed to accomplish the objectives *set forth* defined in this section.

(5) *Develop and implement a master plan to remedy the infrastructure deficiencies on and surrounding the fairgrounds. The deficiencies shall include, but are not limited to, stormwater and drainage, internal and external traffic including parking and construction. The development of the plan shall include input from Hillsborough County.*

Section 31. Section 616.256, Florida Statutes, is amended to read:

616.256 Powers of authority.—The authority shall have power to:

(1) Have a seal and to alter the same at pleasure.

(2) Acquire, hold, lease, and dispose of real and personal property for ~~its~~ authorized purposes.

(3) Own, operate, maintain, repair, and improve its facilities.

(4) Acquire in its own name by purchase, grant, gift, or lease, on such terms and conditions and in such manner as it may deem proper, real and personal property, and acquire, construct, reconstruct, improve, alter, repair, maintain, operate, sell, convey, lease, and dispose of any building, structure, or facility.

(5) Employ consulting engineers, architects, superintendents or managers, accountants, inspectors, attorneys, and such other employees as may be deemed necessary and prescribe their powers and duties and fix their compensation.

(6) Accept loans or grants of money, property, or personal services from any agency, corporation, or person.

(7) Make and enter into all contracts or agreements, as the authority may determine, which are necessary or incidental to the performance of its duties or the execution of its powers under this *part act*.

(8) Borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization and construction prior to the operation of the Florida State Fair, and incur obligations with respect to such borrowings, including notes, secured or unsecured, and negotiable revenue bonds, as hereinafter provided, payable solely from revenues accruing from the operation of the Florida State Fair or any part or parts thereof and from authorized activities incidental thereto; ~~to~~ pay interest with respect to such borrowings not exceeding the maximum allowable by law; ~~to~~ provide for the payment of such borrowings and interest as hereinafter provided; ~~to~~ fix rates and make collections for the use of the facilities and services of the authority; and ~~to~~ execute mortgages, trust indentures, or other instruments, as may be required for the financing of the authorized activities of the authority.

(9) Engage in any lawful business or activity deemed by it to be necessary, convenient, appropriate, or useful in the full exercise of its powers to establish, finance, and operate the Florida State Fair under the provisions of this *part act*, including the leasing for revenue of any land, improved real estate, or personal property directly related to, or appropriate in connection with, the financing or conduct of the Florida State Fair or reserved for its future use or expansion. Within the meaning of this *part act*, any use of the property of the authority, real or personal, shall be deemed necessary, convenient, appropriate, or useful which stimulates, assists, fosters, and promotes all phases of the economy of the state, including agricultural, industrial, commercial, cultural, and recreational pursuits, or which provides revenue to the authority from *the said* property, pending its future use for any of the purposes of the state fair.

(10) Adopt, pursuant to chapter 120, rules necessary to carry out its duties and responsibilities.

Section 32. Section 616.257, Florida Statutes, is amended to read:

616.257 Issuance of revenue bonds by authority.—

(1) Revenue bonds may be issued on behalf of and at the request of the authority, as provided in the State Bond Act. The proceeds of each issue of bonds shall be used solely for the payment of the cost of the state fair project or projects for which *the such* bonds were issued, as provided in the proceedings authorizing the issuance of *the such* bonds.

(2) No revenue bonds shall be issued under the provisions of this *part act* unless the authority shall have ~~theretofore~~ found and determined:

(a) The estimated cost of the project for which *the such* bonds are proposed to be issued.

(b) The estimated annual revenues of the project, and of any other special funds provided for in this *part act*, which may be pledged as security for the bonds.

(c) The estimated annual cost of maintaining, repairing, and operating the project.

(3) Revenue bonds issued under the provisions of this *part act* shall not be deemed to be a debt of the state or to pledge the faith and credit or taxing power of the state, but such bonds shall be payable exclusively from the funds pledged for their payment as authorized in *this part herein*. State funds, other than any initial appropriation, shall not be used, appropriated, or expended to construct, reconstruct, maintain, service, repair, purchase, or lease any property or project or projects authorized under *this part hereunder*.

(4) All projects of the authority shall be deemed to be state *fixed* capital projects within the meaning of s. 11, Art. VII of the State Constitution.

Section 33. Section 616.258, Florida Statutes, is amended to read:

616.258 Revenues from projects of authority.—

(1) The authority shall fix and revise from time to time rates, fees, rentals, tolls, or other charges for the use of each project or for the services and facilities furnished thereby and charge and collect the same. Such rates, fees, rentals, tolls, or other charges shall be so fixed and adjusted, in respect of the aggregate of rates, fees, rentals, tolls, or other charges from the project or projects for which bonds are issued, as to provide a fund sufficient, together with any other special funds pledged therefor as provided in this *part act*, to pay the cost of maintaining, repairing, and operating such project or projects and the principal of, and interest on, the revenue bonds as the same shall become due and to provide reserves for such purposes, and to make all such other payments required by the proceedings authorizing the issuance of such revenue bonds. The rates, fees, rentals, tolls, and other charges shall not be subject to supervision or regulations by any state commission, board, bureau, or agency other than the authority.

(2) All, or a sufficient amount of, the revenues derived from a project or projects for which revenue bonds have been issued shall be set aside, at such regular intervals as may be provided in the resolution authorizing the issuance of the bonds, or in the trust agreement securing *them the same*, in a sinking fund for the payment of the principal and interest on *the such* bonds as *they the same* shall become due and any premium upon bonds retired by call or purchase as therein provided, and for reserves therefor, and to pay the cost of maintaining, repairing, and oper-

ating the project or projects and of providing reserves therefor, all in the order of priority and manner as shall be provided in *the such* resolution or trust agreement. The use and disposition of the sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the bonds or in the trust agreement.

Section 34. Section 616.259, Florida Statutes, is amended to read:

616.259 Revenues of authority; trust funds.—All moneys received pursuant to the authority of this *part act*, whether as proceeds from the sale of revenue bonds or as revenues, shall be deemed to be trust funds. Proceeds from the sale of revenue bonds shall be held and applied as provided by law. Revenues of the authority shall be held and applied, consistent with law, as provided by resolutions of the authority.

Section 35. Section 616.260, Florida Statutes, is amended to read:

616.260 Tax exemption of authority.—It is hereby found and determined that all of the projects authorized by this *part act* constitute essential governmental purposes, and all of the properties, revenues, moneys, and other assets owned and used in the operation of *those such* projects shall be exempt from all taxation by the state or by any county, municipality, political subdivision, agency, or instrumentality thereof. However, nothing in *this section contained herein* shall grant any person other than the authority an exemption from the tax imposed in chapter 220, and if property of the authority is leased, the property shall be exempt from ad valorem taxation only if the use by the lessee qualifies the property for exemption under s. 196.199. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations. The property of the authority shall be subject to the provisions of s. 196.199.

Section 36. Section 616.261, Florida Statutes, is amended to read:

616.261 Finances of Florida State Fair.—Operation of the Florida State Fair, and custody and maintenance of the buildings and grounds, shall be financed from the revenues derived from the state fair and other exhibits or events, revenue bonds, and lease, rental, or other charges for the use of the buildings or grounds.

Section 37. Section 616.262, Florida Statutes, is amended to read:

616.262 Conveyance by the authority; option to acquire by Board of Trustees of Internal Improvement Trust Fund.—Any provision of this *part act* to the contrary notwithstanding, no transfer, lease, conveyance, or encumbrance of any land or interest therein inconsistent with the development of a state fair as provided in this *part act* shall be made without prior approval from the Board of Trustees of the Internal Improvement Trust Fund or its successors. Prior to any lawful transfer of title to all or any part of the property owned by the authority by any public entity to any private person, individual, group, partnership, association, corporation, organization, or other private entity or entities, the board of trustees or its successors shall have an option to acquire the subject property without payment of consideration.

Section 38. Section 616.263, Florida Statutes, is amended to read:

616.263 Annual reports and audit of authority.—

(1) The authority shall submit each year, at least 60 days prior to the convening of the Legislature in regular session, a comprehensive report to the Governor and the Commissioner of Agriculture outlining the progress and the activities of the authority, *including all land bought, leased, acquired, sold, mortgaged, or conveyed, and all buildings and improvements erected, in the preceding 12 months and, as ascertainable, purchases, leases, acquisitions, sales, mortgages, and conveyances of land, and buildings and improvements, proposed for the subsequent 12 months in the year preceding that session.* The Commissioner of Agriculture shall transmit the authority's report to the Legislature, together with any comments and recommendations for legislation.

(2) The authority shall at all times maintain proper accounting systems and procedures and shall be subject to annual auditing by the Auditor General as provided in s. 11.45.

Section 39. Section 616.265, Florida Statutes, is amended to read:

616.265 Issuance of beverage license to the authority.—

(1) The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation is authorized, upon application, to issue a

beverage license, as contemplated in ss. 561.17 and 565.02, to the Florida State Fair Authority for use within any of those certain buildings known as the "Exposition Building," the "Exhibition Building," and "Old MacDonald's Farm," or any other specific location designated by the Florida State Fair Authority, located within the Florida State Fairgrounds complex in Hillsborough County; however, the license issued pursuant to this section shall not permit the licensee or its assigns to:

(a) Use *the such* license in more than one location at a time.

(b) Use *the such* license during the time the authority is staging the annual Florida State Fair.

(c) Sell alcoholic beverages in sealed containers for consumption off the premises where sold.

(2) The application for the license authorized in *this section subsection (1)* shall be made in the name of the Florida State Fair Authority, and the applicant shall comply with *all applicable* the provisions of chapter 561 prior to the issuance of the license in the name of the Florida State Fair Authority.

(3) It is the intent and purpose of this section that any business operated under the beverage license authorized in *this section subsection (1)* be operated only by a concessionaire under contract, entered into under competitive bid, with the Florida State Fair Authority to furnish alcoholic beverages within those certain buildings known as the "Exposition Building," the "Exhibition Building," or "Old MacDonald's Farm," or any other specific location designated by the Florida State Fair Authority. No contract may be entered into by the authority with any concessionaire which discriminates on the basis of race, sex, age, or religion. The Florida State Fair Authority shall make application for the transfer of the license to the concessionaire, and the application shall be approved by the director of the Division of Alcoholic Beverages and Tobacco in compliance with the applicable provisions of chapter 561. However, any transfer of the beverage license authorized in *this section subsection (1)* to a concessionaire operating under contract with the Florida State Fair Authority shall be on the condition that, if the concession contract is terminated at any time and for any cause, the concessionaire shall immediately retransfer the beverage license to the Florida State Fair Authority. In the event of the failure or refusal of the concessionaire so to retransfer the beverage license, it shall be retransferred to the Florida State Fair Authority upon proper request made in writing to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation. Thereafter, the beverage license may again be transferred upon the same terms and conditions to any new concessionaire under contract with the Florida State Fair Authority. It is the intent and purpose of this section that the beverage license be at all times the property of the Florida State Fair Authority, subject to its transfer, from time to time, to enable the concessionaire under contract with the Florida State Fair Authority to furnish alcoholic beverages within the Exposition Building, the Exhibition Building, or Old MacDonald's Farm, or any other specific location designated by the Florida State Fair Authority, in operating under the beverage license authorized by this section.

Section 40. Section 616.266, Florida Statutes, is renumbered as section 616.185, Florida Statutes, and amended to read:

616.185 ~~616.266~~ Trespass upon grounds or facilities of public fair or exposition; penalty; arrests.—

(1) For the purposes of this chapter, "trespass" upon the grounds of the Florida State Fair Authority or any other public fair or exposition permitted under s. 616.15 means:

(a) Entering and remaining upon any grounds or facilities owned, operated, or controlled by the Florida State Fair Authority or any other public fair or exposition permitted under s. 616.15 and committing any act which disrupts the orderly conduct of any authorized activity of the fair ~~any such~~ organization in charge or its lessees on ~~those the said~~ grounds or facilities; or

(b) Entering and remaining on ~~those the said~~ grounds or facilities after being directed not to enter, or to leave, ~~them the same~~ by the executive director of the authority, chief administrative officer of *the such* fair or exposition, or any employee or agent thereof designated by *the executive director or administrator him* to maintain order on ~~those the said~~ grounds and facilities, after a determination by *the said* executive director, administrator, employee, or agent that the entering or remaining on ~~those the said~~ grounds or facilities is in violation of the rules and regula-

tions of the Florida State Fair Authority or permitted *public* fair or exposition or is disrupting the orderly conduct of any authorized activity of *the fair any such organization in charge* or its lessees on *those the said* grounds or facilities.

(2) Any person found guilty of committing the offense of trespass upon the grounds of the Florida State Fair Authority or any other *public* fair or exposition permitted under s. 616.15 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A peace officer may arrest any person on or off the premises, without a warrant, if the officer has probable cause for believing such person has committed the offense of trespass upon the grounds of the Florida State Fair Authority or any *public fair or exposition such* permitted *under s. 616.15 organization*. Such an arrest shall not render the peace officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

Section 41. Section 616.27, Florida Statutes, is renumbered as section 616.165, Florida Statutes, and amended to read:

~~616.165~~ ~~616.27~~ Rules.—The department shall adopt *all* rules necessary to carry out the provisions of this chapter.

Section 42. Section 616.28, Florida Statutes, 1992 Supplement, is renumbered as section 616.24, Florida Statutes, and amended to read:

~~616.24~~ ~~616.28~~ Enforcement.—

(1) The department shall administer and enforce the provisions of this chapter *and the rules adopted pursuant thereto*.

(2) It is the duty of every state attorney, law enforcement officer as defined by chapter 943, and other appropriate county or municipal officer to enforce this chapter and the rules adopted pursuant *thereto to this chapter* and to assist the department and its inspectors and agents in the enforcement of this chapter and the rules adopted pursuant *thereto to this chapter*.

(3) The department may commence and maintain any necessary and proper action for the following purposes:

(a) To enforce this chapter and the rules adopted pursuant *thereto to this chapter*.

(b) To seek to enjoin *any violation violations* of this chapter or *any rule adopted pursuant thereto*. The circuit court may, after a hearing and for good cause shown, temporarily or permanently enjoin any person from violating this chapter or *any rule adopted pursuant thereto* or failing to comply with the requirements of this chapter or *any rule adopted pursuant thereto*.

Section 43. Chapter 616, Florida Statutes, is divided into the following parts:

(1) Part I, entitled "General Provisions," consisting of sections 616.001, 616.01, 616.02, 616.03, 616.04, 616.05, 616.051, 616.06, 616.07, 616.08, 616.09, 616.101, 616.11, 616.12, 616.121, 616.13, 616.14, 616.15, 616.165, 616.17, 616.185, 616.19, 616.21, 616.22, 616.23, and 616.24, Florida Statutes.

(2) Part II, entitled "Trade and Safety Standards," consisting of sections 616.241 and 616.242, Florida Statutes.

(3) Part III, entitled "Florida State Fair Authority," consisting of sections 616.251, 616.252, 616.253, 616.254, 616.255, 616.256, 616.257, 616.258, 616.259, 616.260, 616.261, 616.262, 616.263, and 616.265, Florida Statutes.

Section 44. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, chapter 616, Florida Statutes, shall not stand repealed on October 1, 1993, and shall continue in full force and effect as amended herein.

Section 45. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, subsection (2) of section 616.21, Florida Statutes, 1992 Supplement, and section 616.251, Florida Statutes, shall not stand repealed on October 1, 1993, and shall continue in full force and effect as amended herein.

Section 46. Section 92 of chapter 92-291, Laws of Florida, is hereby repealed.

Section 47. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, line 2, strike everything before the enacting clause and insert: An act relating to public fairs and expositions; amending s. 616.001, F.S.; revising and providing definitions; amending s. 616.07, F.S.; providing that directors and trustees of fair associations incorporated under ch. 616, F.S., are not personally liable for debts of the association; amending s. 616.08, F.S.; providing additional powers of fair associations; renumbering and amending s. 616.091, F.S., relating to trade standards for operation at public fairs and expositions; renumbering and amending s. 616.0915, F.S., relating to safety standards for operation at public fairs and expositions; providing for revocation of permit or imposition of an administrative fine for operating an amusement device or amusement attraction following an accident resulting in a serious injury or death; adding certain individuals and their qualifications who may inspect amusement devices; exempting amusement attractions from nondestructive tests for metal fatigue; revising provisions regulating companies engaged in the rental of amusement devices and amusement attractions to provide certain minimum thresholds for regulation at public events; amending s. 616.11, F.S.; authorizing fair associations to contract with the state or any of its agencies or subdivisions for property or services; amending s. 616.13, F.S.; requiring persons engaged in the business of providing temporary amusement devices and amusement attractions within 5 miles of a fair association under certain circumstances to pay a specified daily license tax; amending s. 616.15, F.S.; increasing all fair associations' fee for a permit from the department; amending s. 616.17, F.S.; authorizing the Department of Agriculture and Consumer Services to waive minimum exhibit requirements under certain circumstances; amending s. 616.251, F.S.; clarifying that the authority is under the jurisdiction of the state; conforming changes; amending s. 616.252, F.S.; increasing and revising the membership of the authority; conforming changes; amending s. 616.255, F.S.; requiring the authority to develop a master plan for certain purposes; conforming changes; amending s. 616.263, F.S.; requiring specified information to be included in the authority's annual report; conforming changes; amending ss. 616.01, 616.02, 616.03, 616.04, 616.05, 616.051, 616.06, 616.09, 616.101, 616.12, 616.121, 616.14, 616.15, 616.19, 616.21, 616.22, 616.23, 616.253, 616.254, 616.256, 616.257, 616.258, 616.259, 616.260, 616.261, 616.262, and 616.265, F.S.; providing conforming changes; renumbering and amending s. 616.266, F.S., relating to trespass; renumbering and amending ss. 616.27 and 616.28, F.S., relating to rules and enforcement, respectively; dividing ch. 616, F.S., into parts; saving ss. 616.21(2) and 616.251, F.S., from Sundown repeal; repealing s. 92, ch. 92-291, Laws of Florida, relating to future repeal of s. 616.0915, F.S.; providing an effective date.

Senator Beard moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 46, line 1, strike "*a member of the Board of County Commissioners of Hillsborough County who is designated by that board*, and on line 5, after the period (.) insert: *There shall also be a member who is the member of the Board of County Commissioners of Hillsborough County representing the county commission district in which the Florida State Fairgrounds is located, who shall serve ex officio*.

Amendment 1B—On page 24, lines 3 and 25, strike "*mechanical*" and insert: ~~mechanical~~

Amendment 1 as amended was adopted.

On motion by Senator Beard, by two-thirds vote **SB 1640** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—1

Motion

On motion by Senator Beard, the rules were waived and **SB 1640** was ordered immediately certified to the House.

CS for SB 1066—A bill to be entitled An act relating to the Florida Deceptive and Unfair Trade Practices Act; amending s. 501.202, F.S.; revising language with respect to the act; amending s. 501.203, F.S.; providing definitions; amending s. 501.204, F.S.; providing for clarification of unlawful acts or practices; repealing s. 501.2045, F.S., relating to the sale of used goods as new; amending s. 501.205, F.S.; providing that certain rulemaking powers of the department are discretionary; amending s. 501.206, F.S.; reducing the time period during which a petition for an order modifying or setting aside a subpoena may be made; providing for penalties, fees, and costs for intentional noncompliance with a subpoena; amending s. 501.2065, F.S.; revising language with respect to the confidentiality of certain information; amending s. 501.207, F.S.; revising language with respect to the remedies of the enforcing authority; amending s. 501.2075, F.S.; revising language with respect to the standard for civil penalties; amending s. 501.2077, F.S.; revising language with respect to violations involving senior citizens or handicapped persons; providing an increased penalty; amending s. 501.2105, F.S.; revising language with respect to attorney's fees; amending s. 501.211, F.S.; revising language with respect to individual remedies to provide for punitive damages; amending s. 501.212, F.S.; eliminating an exemption from the act and providing an exemption for certain acts by real estate brokers and salesmen and appraisers; creating s. 817.412, F.S.; providing a penalty for the sale of used goods as new; amending s. 501.209, F.S.; revising language with respect to other state supervision; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for SB 1066** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator Jenne, the rules were waived and **CS for SB 1066** was ordered immediately certified to the House.

Consideration of **SB 1854** was deferred.

SB 710—A bill to be entitled An act relating to the Uniform Commercial Code; repealing s. 671.105(2)(d), F.S., relating to bulk transfers; amending s. 672.403, F.S.; deleting a cross reference to bulk transfers; repealing ch. 676, F.S., relating to bulk transfers; providing an effective date.

—was read the second time by title. On motion by Senator Silver, by two-thirds vote **SB 710** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Harden, by two-thirds vote **HB 1895** was withdrawn from the Committees on Governmental Operations and Appropriations.

On motions by Senator Harden, by two-thirds vote—

HB 1895—A bill to be entitled An act relating to historical and archaeological resources; amending s. 267.13, F.S., which specifies prohibited practices relating to conduct of field investigations and removal or defacing of sites or specimens on state lands or state archaeological landmarks without authorization; increasing the penalty for engaging in such practices by means other than excavation; providing a penalty for engaging in such practices by means of excavation; providing a penalty for the sale of illegally collected objects or for employing another to violate ss. 267.11-267.14, F.S., or to sell, purchase, or transport archaeological resources illegally; providing for forfeiture of vehicles, equipment, and materials collected; providing for restitution; increasing the penalty for reproducing or forging certain archaeological or historical objects or misrepresenting objects as genuine specimens; amending s. 872.05, F.S.; revising the definition of "unmarked human burial" for purposes of provisions which regulate the discovery and excavation thereof and which provide penalties with respect thereto; providing an effective date.

—a companion measure, was substituted for **SB 1854** and by two-thirds vote read the second time by title. On motion by Senator Harden, by two-thirds vote **HB 1895** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of **SCR 8** was deferred.

SB 90—A bill to be entitled An act relating to vehicular accidents that result in death or personal injury; amending s. 316.027, F.S.; increasing the penalty imposed on a driver who fails to stop and remain at the scene of such accident if the accident results in a death; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Weinstein and adopted:

Amendment 1 (with Title Amendment)—On page 2, between lines 13 and 14, insert:

Section 2. A court may not dismiss, whether on its own motion or on motion by the defendant, any citation for a traffic infraction that resulted in an accident causing death to any person unless the state attorney has been given at least 72 hours' notice of the motion to dismiss and has been given an opportunity to be heard on the motion.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 7, following the semicolon (;) insert: prohibiting the court from dismissing a citation for an infraction that has resulted in an accident causing death unless the state attorney has been given notice and an opportunity to be heard on the motion to dismiss;

On motion by Senator Weinstein, by two-thirds vote **SB 90** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator Weinstein, the rules were waived and **SB 90** was ordered immediately certified to the House.

CS for CS for SB 162—A bill to be entitled An act relating to hospices; creating s. 400.6005, F.S.; providing legislative intent; amending s. 400.601, F.S.; providing definitions; amending s. 400.602, F.S.; restricting use of the word "hospice"; prohibiting hospices from using substantially similar names; requiring 60 days notice to agency of name change; requiring certain hospice inpatient care components to be licensed and to obtain a certificate of need and meet institutional standards; providing that certain services do not constitute a hospice; amending s. 400.605, F.S.; providing for administration by the Agency for Health Care Administration; creating s. 400.6052, F.S.; directing the Department of Elderly Affairs to adopt rules; providing for an interagency agreement; providing for assistance to hospices; amending s. 400.6055, F.S.; providing for agency inspections; transferring, renumbering, and amending s. 400.606, F.S.; prescribing geographic area for hospice services; providing clarifying language; revising cross-references; amending s. 400.607, F.S.; increasing administrative fine cap; adding reckless conduct as a ground for agency action; deleting requirement that outpatient hospice care be available within 12 months of licensure; providing for injunctions; creating s. 400.6085, F.S.; providing general requirements for contracting for hospice services; amending s. 400.609, F.S.; providing components of hospice services; clarifying scope of home care; deleting requirement for outpatient care as a component of hospice; creating s. 400.6095, F.S.; providing for patient admission, assessment, plan of care; amending s. 400.610, F.S.; providing for hospice management; specifying responsibility of board of directors or governing body; requiring each hospice to develop and implement a quality assurance and utilization review plan; creating s. 400.6105,

F.S.; providing for staffing and personnel; amending s. 400.611, F.S.; providing for confidentiality of patient records; repealing s. 400.6015, F.S., which relates to exemptions from hospice laws; repealing s. 400.603, F.S., which relates to certificates of need; repealing s. 400.608, F.S., which relates to general requirements for hospice programs; repealing s. 400.613, F.S., which relates to patient record information; repealing s. 400.614, F.S., which provides for certain prohibited acts and provides a criminal penalty; reviving and readopting part V, ch. 400, F.S., which regulates hospices, notwithstanding repeal scheduled under the Regulatory Sunset Act; providing an effective date.

—was read the second time by title. On motion by Senator Gutman, by two-thirds vote CS for CS for SB 162 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 166—A bill to be entitled An act relating to migrant farmworker housing; amending s. 381.008, F.S.; providing definitions; amending s. 381.0082, F.S.; incorporating technical revisions; amending s. 381.0083; deleting limitations on municipalities prohibiting the construction or operation of residential housing; amending s. 381.0084, F.S.; specifying application fees for migrant labor camp and residential migrant housing; amending s. 381.0086, F.S.; authorizing a variance process for migrant farmworker housing standards; amending s. 381.0087, F.S.; providing for enforcement; amending s. 381.0088, F.S.; authorizing right of entry for inspection of facilities; creating s. 381.0089, F.S.; providing for right of access to migrant labor camps and residential migrant housing; authorizing civil action; providing civil liability; providing rules; creating s. 381.00893, F.S.; providing for an administrative complaint process; creating s. 381.00895, F.S.; prohibiting discriminatory conduct against certain residents; creating s. 381.00896, F.S.; prohibiting discriminatory conduct with respect to housing facilities; amending s. 509.013, F.S.; providing an exclusion from regulation as a public lodging establishment; repealing s. 10 of ch. 83-249, Laws of Florida; abrogating the repeal of ss. 381.008-381.0088, F.S., relating to migrant farmworker housing, notwithstanding the repeal of those sections scheduled under the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

Senator Foley offered the following amendment which was moved by Senator Gutman:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 381.008, Florida Statutes, is amended to read:

381.008 Definitions of terms used in ss. 381.008-381.00897 ss. 381.008-381.0088.—As used in ss. 381.008-381.00897 ss. 381.008-381.0088, the following words and phrases mean:

(1) “Common areas”—That portion of a migrant labor camp or residential migrant housing not included within private living quarters and where migrant labor camp or residential migrant housing residents generally congregate.

(2)(1) “Department”—The Department of Health and Rehabilitative Services and its representative county public health units.

(3) “Invited guest”—Any person who is invited by a resident to a migrant labor camp or residential migrant housing to visit that resident.

(4)(2) “Migrant farmworker”—A person who is or has been employed in hand labor operations in planting, cultivating cultivation, or harvesting of agricultural crops within the last 12 months and who has changed residence for purposes of employment in agriculture within the last 12 months.

(5)(3) “Migrant labor camp”—One or more buildings, structures, barracks, or dormitories, and any portion thereof, and together with the land appertaining thereto, constructed, established, operated, or furnished as an incident of employment as living quarters for seasonal, temporary, or migrant farmworkers whether or not rent is paid or reserved in connection with the use or occupancy of such premises. It is the intent of this section to require migrant farmworker housing to be subject to the provisions of either chapter 509 or this law.

(6) “Other authorized visitors”—Any person, other than an invited guest, who is:

(a) A federal, state, or county government official;

(b) A physician or other health care provider whose sole purpose is to provide medical care or medical information;

(c) A representative of a bona fide religious organization who, during the visit, is engaged in the vocation or occupation of a religious professional or worker such as a minister, priest, or nun;

(d) A representative of a nonprofit legal services organization, who must comply with the Code of Professional Conduct of the Florida Bar; or

(e) Any other person who provides services for farmworkers which are funded in whole or in part by local, state, or federal funds but who does not conduct or attempt to conduct solicitations.

(7) “Private living quarters”—A building or portion of a building, dormitory, or barracks, including its bathroom facilities, or a similar type of sleeping and bathroom area, which is a home, residence, or sleeping place for a resident of a migrant labor camp. The term includes residential migrant housing.

(8)(4) “Residential migrant housing”—A building, structure, barracks, or dormitory, and the land appertaining thereto, that is rented or reserved for occupancy by five or more migrant farmworkers, except:

(a) Housing furnished as an incident of employment;

(b) A single-family residence or mobile home dwelling unit that is not under the same ownership, management, or control as other farmworker housing to which it is adjacent or contiguous;

(c) A hotel, motel, or resort condominium, as defined in chapter 509, that is furnished for transient occupancy. A dwelling unit or dwelling units, which may be a single family, multi family, or mobile home, rented or reserved for occupancy by five or more unrelated migrant farmworkers. Any single family or mobile home dwelling unit which is not adjacent to or contiguous with other residential migrant housing, and which is occupied by one migrant farmworker family, shall be excluded from this definition.

(d) Any housing owned or operated by a public housing authority except for housing which is specifically provided for persons whose principal income is derived from agriculture.

(9) “Personal hygiene facilities”—Adequate facilities for providing hot water at a minimum of 110 degrees Fahrenheit for bathing and dishwashing purposes, and an adequate and convenient approved supply of potable water available at all times in each migrant labor camp and residential migrant housing for drinking, culinary, bathing, dishwashing, and laundry purposes.

(10) “Lighting”—At least one ceiling-type light fixture capable of providing 20 foot-candles of light at a point 30 inches from the floor, and at least one separate double electric wall outlet in each habitable room in a migrant labor camp or residential migrant housing.

(11) “Sewage disposal”—Approved facilities for satisfactory disposal and treatment of human excreta and liquid waste.

(12) “Garbage disposal”—Watertight receptacles of impervious material which are provided with tight-fitting covers suitable to protect the contents from flies, insects, rodents, and other animals.

Section 2. Subsections (1) and (2) of section 381.0081, Florida Statutes, are amended, and new subsections (3), (4), (5), (6), and (7) are added to said section, to read:

381.0081 Permit required to operate a migrant labor camp or residential migrant housing; penalties for unlawful establishment or operation; allocation of proceeds.—

(1) **MIGRANT LABOR CAMP; PERMIT REQUIREMENT.**—A person who establishes, maintains, or operates a No person shall establish, maintain, or operate any migrant labor camp in this state without first having obtained a permit from the department and who fails to post such permit unless that permit is posted and keep such permit kept posted in the camp to which it applies at all times during maintenance or operation of the camp commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) **RESIDENTIAL MIGRANT HOUSING; PERMIT REQUIREMENT.**—~~A No person who establishes, maintains, or operates shall establish, maintain, or operate~~ any residential migrant housing in this state without first having obtained a permit from the department commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) **RESIDENTIAL MIGRANT HOUSING; HEALTH AND SANITATION.**—*A person who establishes, maintains, or operates any residential migrant housing or migrant labor camp in this state without providing adequate personal hygiene facilities, lighting, sewage disposal, and garbage disposal, and without first having obtained the required permit from the department, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(4) **FINE.**—*The department may impose a fine of up to \$10,000 for each violation of this section. If the owner of land on which a violation of this section occurs is other than the person committing the violation and the owner knew or should have known upon reasonable inquiry that this section was being violated on the land, the fine may be applied against such owner. In determining the amount of the fine to be imposed, the department shall consider any corrective actions taken by the violator and any previous violations.*

(5) **SEIZURE.**—

(a) *In addition to other penalties provided by this section, the buildings, personal property, and land used in connection with a felony violation of this section may be seized and forfeited pursuant to the Contraband Forfeiture Act.*

(b) *After satisfying any liens on the property, the remaining proceeds from the sale of the property seized under this section shall be allocated as follows if the department participated in the inspection or investigation leading to seizure and forfeiture under this section:*

1. *One-third of the proceeds shall be allocated to the law enforcement agency involved in the seizure, to be used as provided in s. 932.7055.*

2. *One-third of the proceeds shall be allocated to the department, to be used for purposes of enforcing the provisions of this section.*

3. *One-third of the proceeds shall be deposited in the State Apartment Incentive Loan Trust Fund, to be used for the purpose of providing funds to sponsors who provide housing for farmworkers.*

(c) *After satisfying any liens on the property, the remaining proceeds from the sale of the property seized under this section shall be allocated equally between the law enforcement agency involved in the seizure and the State Apartment Incentive Loan Trust Fund if the department did not participate in the inspection or investigation leading to seizure and forfeiture.*

Section 3. (1) There is hereby created the Task Force on Farmworker Housing Compliance. The task force shall be comprised of the Department of Business Regulation; the Department of Health and Rehabilitative Services; the Department of Labor and Employment Security; the Department of Law Enforcement; and other state agencies as necessary to achieve the goals provided herein. In addition, appropriate federal agencies will be requested to participate with the task force. The task force shall be headed by the Florida Department of Law Enforcement and the Department of Health and Rehabilitative Services, with the Department of Health and Rehabilitative Services assuming the responsibility for convening the first meeting of the task force.

(2) The task force will have all the authority vested in each state agency related to farmworker housing. The task force is directed to use such authority to accomplish its objectives, including the conducting of "sting" operations to enforce related provisions of law and elimination of habitual and repeat offenders of laws pertaining to areas of farmworker housing, employment, or transportation.

(3) Each agency represented on the task force is directed to provide any information that is necessary for the task force to compile a list of offenders at the beginning of the first calendar year of its existence, based upon investigation and complaint information from the previous year. Every year thereafter, the task force shall convene as necessary based upon identification of habitual and repeat offenders.

(4) The task force shall be in existence until January 1, 1997. Upon its expiration, the Department of Business Regulation, the Florida Department of Law Enforcement, the Department of Labor and Employment Security, and the Department of Health and Rehabilitative Services shall enter into an interagency agreement to ensure prompt and effective enforcement of the laws and rules governing the activities of or in any migrant labor camp or residential migrant housing. Federal agencies shall be requested to assist and cooperate in this effort.

Section 4. Section 381.0082, Florida Statutes, is amended to read:

381.0082 Application for permit to operate migrant labor camp or residential migrant housing.—Application for a permit to establish, operate, or maintain a migrant labor camp or residential migrant housing *must* shall be made to the department in writing on a form and under rules prescribed by the department. The application *must* shall state the location of the existing or proposed migrant labor camp or residential migrant housing; the approximate number of persons to be accommodated; the probable duration of use, and any other information the department *requires* may require.

Section 5. Section 381.0083, Florida Statutes, is amended to read:

381.0083 Issuance of permit to operate migrant labor camp or residential migrant housing.—If the department is satisfied, after causing an inspection to be made, that the camp or the residential migrant housing meets the minimum standards of construction, sanitation, equipment, and operation required by rules issued under s. 381.0086 and that the applicant has paid the application fees required by s. 381.0084, it shall issue in the name of the department the necessary permit in writing on a form to be prescribed by the department. The permit, unless sooner revoked, shall expire on September 30 next after the date of issuance, and it shall not be transferable. An application for a permit shall be filed with the department 30 days prior to operation. *In the case of a facility owned or operated by a public housing authority, an annual satisfactory sanitation inspection of the living units by the Farmers Home Administration or the Department of Housing and Urban Development shall substitute for the pre-permitting inspection required by the department. No municipality shall prohibit the construction or operation of residential housing on the basis that it shall house migrant farmworkers.*

Section 6. Section 381.0084, Florida Statutes, is amended to read:

381.0084 Application fees for migrant labor camps and residential migrant housing.—

(1) Each migrant labor camp operator or owner of residential migrant housing who is subject to the provisions of s. 381.0081 shall pay to the department the following annual application fees, ~~which shall be set by department rule within the ranges specified herein:~~

(a) Camps or residential migrant housing that have with capacity for 5 to 50 occupants: ~~Not less than \$75, or more than \$125.~~

(b) Camps or residential migrant housing that have with capacity for 51 to 100 occupants: ~~Not less than \$150, or more than \$225.~~

(c) Camps or residential migrant housing that have with capacity for 101 or more occupants: ~~Not less than \$250, or more than \$500.~~

(2) ~~The department shall deposit fees collected under this section shall be deposited in the County Public Health Unit Trust Fund for use in the migrant labor camp program and shall use those fees be used solely for actual costs incurred in implementing and enforcing ss. 381.008-381.00897 or 381.008-381.0088.~~

(3) *Any existing migrant labor camp or residential migrant housing that is substantially renovated or newly constructed is exempt from the annual application fee described in this section for the next annual permit after the renovations or construction occurred.*

(4) *Any existing migrant labor camp or residential migrant housing that, during any permit year, has no major deficiencies cited by the department, no uncorrected deficiencies, and no administrative action taken against it is exempt from the annual application fee described in this section for the next annual permit period.*

(3)—~~Until the department adopts rules establishing fees under subsection (1), the lowest amount in each range shall apply.~~

(4) ~~Fees established pursuant to subsection (1) shall be based on the actual costs incurred by the department in carrying out its regulatory responsibilities under ss. 381.008-381.0088.~~

Section 7. Section 381.0086, Florida Statutes, is amended to read:

381.0086 Rules; variances; penalties.—

(1) The department shall adopt rules necessary to protect the health and safety of migrant farm workers and other migrant labor camp or residential migrant housing occupants. ~~These rules must include, including~~ provisions relating to plan review of the construction of new, expanded, or remodeled camps, personal hygiene facilities, lighting, sewage disposal, safety, minimum living space per occupant, ~~bedding, food storage and preparation, insect and rodent control, garbage, heating equipment, water supply, maintenance and operation of the camp or housing, and such other matters as the department finds may determine~~ to be appropriate or necessary to protect for the protection of the life and health of the occupants. ~~Housing operated by a public housing authority is exempt from the provisions of any administrative rule that conflicts with or is more stringent than the federal standards applicable to the housing.~~

(2) An owner or operator may apply for a permanent structural variance from the department's rules by filing a written application and paying a fee set by the department, not to exceed \$100. This application must:

(a) Clearly specify the standard from which the variance is desired;

(b) Provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility and to prevent a practical difficulty or unnecessary hardship; and

(c) Clearly set forth the specific alternative measures that the owner or operator has taken to protect the health and safety of occupants and adequately show that the alternative measures have achieved the same result as the standard from which the variance is sought.

(3) Any variance granted by the department must be in writing, must state the standard involved, and must state as conditions of the variance the specific alternative measures taken to protect the health and safety of the occupants. In denying the request, the department must provide written notice under s. 120.57 of the applicant's right to an administrative hearing to contest the denial within 21 days after the date of receipt of the notice.

(4) A person who violates any provision of ss. 381.008-381.00897 ~~ss. 381.008-381.0088~~ or rules adopted under such sections is ~~shall be~~ subject either to the penalties provided in ss. 381.0012, 381.0025, and 381.0061 or to the penalties provided in s. 381.0087.

(5) Notwithstanding any other provision of this chapter, any housing that is furnished as a condition of employment so as to subject it to the requirements of the Occupational Health and Safety Act of 1970, 29 U.S.C. s. 655 shall only be inspected under the temporary labor camp standards at 42 C.F.R. s. 1910.142.

Section 8. Section 381.0087, Florida Statutes, is amended to read:

381.0087 Enforcement; citations.—

(1) Department personnel or crew chief compliance officers employed by the Bureau of Compliance ~~Agricultural Programs~~ of the Florida Department of Labor and Employment Security ~~may be authorized to~~ issue citations that ~~may~~ contain an order of correction or an order to pay a fine, or both, for violations of ss. 381.008-381.00897 ~~ss. 381.008-381.0088~~ or the field sanitation facility rules adopted by the department when a violation of ~~those said~~ sections or rules is enforceable by an administrative or civil remedy, or when a violation of ~~those said~~ sections or rules is a misdemeanor of the second degree. A citation issued under ~~pursuant to~~ this section ~~constitutes shall be considered to be~~ a notice of proposed agency action.

(2) Citations ~~must shall~~ be in writing and ~~must shall~~ describe the particular nature of the violation, including specific reference to the provision of statute or rule allegedly violated.

(3) ~~In no event shall~~ The fines imposed by a citation issued by the department ~~may not exceed~~ \$500 for each violation. Each day the violation exists ~~constitutes shall constitute~~ a separate violation for which a citation may be issued.

(4) The citing official shall inform the recipient, by written notice pursuant to s. 120.57, of the right to an administrative hearing to contest the citation of the agency within 21 days after from the date of receipt of the citation. The citation ~~must shall~~ contain a conspicuous statement that if the citation recipient fails to pay the fine within the time allowed, or fails to appear to contest the citation after having requested a hearing, the recipient is ~~shall be~~ deemed to have waived the right to contest the citation and ~~must shall be required to~~ pay an amount up to the maximum fine or penalty.

(5) The department may reduce or waive the fine imposed by the citation. In determining whether to reduce or waive the fine, the department ~~must shall~~ give due consideration to such factors as the gravity of the violation, the good faith of the person who has allegedly committed the violation, and the person's history of previous violations, including violations for which enforcement actions were taken under this section or other provisions of state law.

(6) Any person who willfully refuses to sign and accept a citation issued by the department or the Department of Labor and Employment Security is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) ~~The department shall deposit all Any fines collected under ss. 381.008-381.00897 by the department pursuant to ss. 381.008-381.0088 shall be deposited in the County Public Health Unit Trust Fund for use of the migrant labor camp inspection program and shall use such fines be used to improve migrant labor camp and residential migrant housing as described in s. 381.0086.~~

(8) The provisions of this section are an alternative means of enforcing ss. 381.008-381.00897 ~~ss. 381.008-381.0088~~ and the field sanitation facility rules. ~~Nothing contained in This section does not shall~~ prohibit the department from enforcing ~~those said~~ sections or rules by any other means. However, the agency shall elect to use only the procedure for enforcement under this section or another method of civil or administrative enforcement for a single violation.

Section 9. Section 381.0088, Florida Statutes, is amended to read:

381.0088 Right of entry.—The department or its inspectors may enter and inspect migrant labor camps or residential migrant housing at reasonable hours and investigate such facts, conditions, and practices or matters, as ~~are may be~~ necessary or appropriate to determine whether any person has violated any provisions of applicable statutes or rules adopted pursuant thereto by the department. The right of entry ~~extends shall extend~~ to any premises ~~that which~~ the department has reason to believe is being established, maintained, or operated as a migrant labor camp or residential migrant housing without a permit, but ~~no~~ such entry ~~may not~~ shall be made without the permission of the owner, ~~or~~ person in charge, or resident thereof, unless an inspection warrant is first obtained from the circuit court authorizing the entry. Any application for a permit made under s. 381.0082 constitutes permission for, and complete acquiescence in, any entry or inspection of the premises for which the permit is sought, to verify the information submitted on or in connection with the application; to discover, investigate, and determine the existence of any violation of ss. 381.008-381.00895 or rules adopted thereunder; or to elicit, receive, respond to, and resolve complaints. Any current valid permit constitutes unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel. The department may from time to time ~~at its discretion~~ publish the reports of such inspections.

Section 10. Section 381.00897, Florida Statutes, is created to read:

381.00897 Access to migrant labor camps and residential migrant housing.—

(1) RIGHT OF ACCESS OF INVITED GUEST.—A resident of a migrant labor camp or residential migrant housing may decide who may visit him in his private living quarters. A person may not prohibit or attempt to prohibit an invited guest access to or egress from the private living quarters of the resident who invited the guest by the erection or maintenance of any physical barrier, by physical force or violence, by threat of force or violence, or by any verbal order or notice given in any manner. Any invited guest must leave the private living quarters upon the reasonable request of a resident residing within the same private living quarters.

(2) **RIGHT OF ACCESS OF OTHERS.**—Other authorized visitors have a right of access to or egress from the common areas of a migrant labor camp or residential migrant housing as provided in this subsection. A person may not prohibit or attempt to prohibit other visitors access to or egress from the common areas of a migrant labor camp or residential migrant housing by the erection or maintenance of any physical barrier, by physical force or violence, by threat of force or violence, or by any verbal order or notice given in any manner, except as provided in this section. Owners or operators of migrant labor camps or residential migrant housing may adopt reasonable rules regulating hours of access to housing, if such rules permit at least 4 hours of access each day during nonworking hours Monday through Saturday and between the hours of 12 noon and 8 p.m. on Sunday. Any other authorized visitor must leave the private living quarters upon the reasonable request of a person who resides in the same private living quarters.

(3) **CIVIL ACTION.**—Any person prevented from exercising rights guaranteed by this section may bring an action in the appropriate court of the county in which the alleged infringement occurred; and, upon favorable adjudication, the court shall enjoin the enforcement of any rule, practice, or conduct that operates to deprive the person of such rights.

(4) **CIVIL LIABILITY.**—Other visitors are licensees, not guests or invitees, for purposes of any premises liability.

(5) **OTHER RULES.**—The housing owner or operator may require invited guests and other visitors to check in before entry and to present picture identification. Migrant labor camp and residential migrant housing owners or operators may adopt other rules regulating access to a camp only if the rules are reasonably related to the purpose of promoting the safety, welfare, or security of residents, visitors, farmworkers, or the owner's or operator's business.

(6) **POSTING REQUIRED.**—Rules relating to access are unenforceable unless they have been conspicuously posted in the migrant labor camp or migrant residential housing and a copy has been furnished to the department.

(7) **LIMITATIONS.**—This section does not create a general right of solicitation in migrant labor camps or residential migrant housing. This section does not prohibit the erection or maintenance of a fence around a migrant labor camp or residential migrant housing if one or more unlocked gates or gateways in the fence are provided; nor does this section prohibit posting the land adjacent to a migrant labor camp or residential migrant housing if access to the camp is clearly marked; nor does this section restrict migrant workers residing within the same living quarters from imposing reasonable restrictions on their fellow residents to accommodate reasonable privacy and other concerns of the residents.

Section 11. Section 381.00893, Florida Statutes, is created to read:

381.00893 Complaints by aggrieved parties.—Any person who believes that the housing violates any provision of ss. 381.008-381.00895 or rules adopted thereunder may file a complaint with the department. Upon receipt of the complaint, if the department finds there are reasonable grounds to believe that a violation exists and that the nature of the alleged violation could pose a serious and immediate threat to public health, the department shall conduct an inspection as soon as practicable. In all other cases where the department finds there are reasonable grounds to believe that a violation exists, the department shall notify the owner and the operator of the housing that a complaint has been received and the nature of the complaint. The department shall also advise the owner and the operator that the alleged violation must be remedied within 3 business days. The department shall conduct an inspection as soon as practicable following such 3-day period. The department shall notify the owner or the operator of the housing and the complainant in writing of the results of the inspection and the action taken. Upon request of the complainant, the department shall conduct the inspection so as to protect the confidentiality of the complainant. The department shall adopt rules by January 1, 1994, to implement this section.

Section 12. Section 381.00895, Florida Statutes, is created to read:

381.00895 Prohibited acts; application.—

(1) An owner or operator of housing subject to the provisions of ss. 381.008-381.00897 may not, for the purpose of retaliating against a resident of that housing, discriminatorily terminate or discriminatorily modify a tenancy by increasing the resident's rent; decreasing services to the resident; bringing or threatening to bring against the resident an

action for eviction or possession or another civil action; refusing to renew his tenancy; or intimidating, threatening, restraining, coercing, blacklisting, or discharging the resident. Examples of conduct for which the owner or operator may not retaliate include, but are not limited to, situations in which:

(a) The resident has complained in good faith, orally or in writing, to the owner or operator of the housing, the employer, or any government agency charged with the responsibility of enforcing the provisions of ss. 381.008-381.00897.

(b) The resident has exercised any legal right provided in this chapter with respect to the housing.

(2) A resident who brings an action for or raises a defense of retaliatory conduct must have acted in good faith.

(3) This section does not apply if the owner or operator of housing proves that the eviction or other action is for good cause, including, without limitation, a good-faith action for nonpayment of rent, a violation of the resident's rental or employment agreement, a violation of reasonable rules of the owner or operator of the housing or of the employer, or a violation of this chapter or the Florida Residential Landlord and Tenant Act.

Section 13. Section 381.00896, Florida Statutes, is created to read:

381.00896 Nondiscrimination.—

(1) The Legislature declares that it is the policy of this state that each county and municipality must permit and encourage the development and use of a sufficient number and sufficient types of farmworker housing facilities to meet local needs. The Legislature further finds that discriminatory practices that inhibit the development of farmworker housing are a matter of state concern.

(2) Any owner or developer of farmworker housing which has qualified for a permit to operate, or who would qualify for a permit based upon plans submitted to the department, or the residents or intended residents of such housing may invoke the provisions of this section.

(3) A municipality or county may not enact or administer local land-use ordinances to prohibit or discriminate against the development and use of farmworker housing facilities because of the occupation, race, sex, color, religion, national origin, or income of the intended residents.

(4) In an action under this section, the initial burden is upon the petitioner to demonstrate that the application for farmworker housing complies with the reasonable procedural requirements of the land-use ordinance and that the use sought is consistent with the applicable comprehensive zoning plan. Upon that showing, the burden shifts to the opposing governmental agency to show by clear and convincing evidence that a specifically stated public necessity requires denial of the application.

(5) This section does not prohibit the imposition of local property taxes, water service and garbage collection fees, normal inspection fees, local bond assessments, or other fees, charges, or assessments to which other dwellings of the same type in the same zone are subject.

(6) This section does not prohibit a municipality or county from extending preferential treatment to farmworker housing, including, without limitation, fee reductions or waivers or changes in architectural requirements, site development or property line requirements, or vehicle parking requirements that reduce the development costs of farmworker housing.

Section 14. Subsection (4) of section 509.013, Florida Statutes, 1992 Supplement, is amended to read:

509.013 Definitions.—As used in this chapter, the term:

(4)(a) "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to tenants or transients. License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are excluded from the definition in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
2. Any hospital, nursing home, sanitarium, adult congregate living facility, or other similar place;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients; and
4. Any migrant labor camp or residential migrant housing permitted inspected by the Department of Health and Rehabilitative Services under ss. 381.008-381.00897.

Section 15. Section 10 of chapter 83-249, Laws of Florida, is repealed.

Section 16. This act shall take effect October 1, 1993.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to migrant farmworker housing; amending s. 381.008, F.S.; providing definitions; amending s. 381.0081, F.S.; providing fines and other penalties with respect to migrant labor camp and residential migrant housing permits; providing criminal penalties for unlawful establishment or operation; providing for seizure and forfeiture and for allocation of proceeds; creating the Task Force on Farmworker Housing Compliance; providing duties and responsibilities; amending s. 381.0082, F.S.; incorporating technical revisions; amending s. 381.0083; deleting limitations on municipalities prohibiting the construction or operation of residential housing; amending s. 381.0084, F.S.; specifying application fees for migrant labor camp and residential migrant housing; amending s. 381.0086, F.S.; authorizing a variance process for migrant farmworker housing standards; amending s. 381.0087, F.S.; providing for enforcement; amending s. 381.0088, F.S.; authorizing right of entry for inspection of facilities; creating s. 381.00897, F.S.; providing for right of access to migrant labor camps and residential migrant housing; authorizing civil action; providing civil liability; providing rules; creating s. 381.00893, F.S.; providing for an administrative complaint process; creating s. 381.00895, F.S.; prohibiting discriminatory conduct against certain residents; creating s. 381.00896, F.S.; prohibiting discriminatory conduct with respect to housing facilities; amending s. 509.013, F.S.; providing an exclusion from regulation as a public lodging establishment; repealing s. 10 of ch. 83-249, Laws of Florida; abrogating the repeal of ss. 381.008-381.0088, F.S., relating to migrant farmworker housing, notwithstanding the repeal of those sections scheduled under the Regulatory Sunset Act; providing an effective date.

Senator Foley offered the following amendment to **Amendment 1** which was moved by Senator Gutman and adopted:

Amendment 1A—On page 9, line 23; on page 11, line 25; on page 12, line 12; on page 13, lines 23 and 30; and on page 21, line 11, strike “381.008-381.00897” and insert: 381.008-381.00895

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B—On page 19, lines 25-31 and on page 20, lines 1 and 2, strike all of said lines and renumber subsequent sections.

Senator Dantzler moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 5, line 16, strike “\$10,000” and insert: \$500

Amendment 1 as amended was adopted.

On motion by Senator Gutman, by two-thirds vote **CS for SB 166** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator Gutman, the rules were waived and **CS for SB 166** was ordered immediately certified to the House.

CS for SB 198—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; revising definitions with respect to pt. I of ch. 634, F.S., relating to motor vehicle service agreement companies; amending s. 634.031, F.S.; specifying conditions that require licensure; amending s. 634.041, F.S.; removing authority of the Department of Insurance to issue licenses under certain circumstances; requiring reserve deposits by companies with unearned premium reserves; providing for refunds of unearned premium; providing technical changes; amending s. 634.053, F.S.; authorizing the department to levy upon the assets of specified motor vehicle service agreement companies; amending s. 634.061, F.S.; deleting a requirement to refund license taxes; amending s. 634.081, F.S.; revising conditions for revocation or suspension of the license of a motor vehicle service agreement company; authorizing departmental discretion to suspend the license of a company under certain conditions; amending s. 634.111, F.S.; requiring quarterly reports during periods of suspension; amending s. 634.121, F.S.; authorizing administrative fees; deleting provisions relating to refunds of unearned premiums; deleting obsolete provisions; amending s. 634.131, F.S.; removing a requirement to file annual forms showing all service agreement premiums or assessments; deleting a penalty for neglecting to file an annual statement in the form and time provided; amending s. 634.137, F.S.; requiring financial reports; providing penalties for failure to file annual statements in the form and time provided; amending s. 634.181, F.S.; specifying additional grounds for compulsory refusal, suspension, or revocation of license or appointment of salesmen; amending s. 634.241, F.S.; revising the definition of “fronting company”; providing that the use of a contractual liability policy is not a violation of the prohibition against fronting; amending s. 634.301, F.S.; revising definitions with respect to pt. II of ch. 634, F.S., relating to home warranty associations; amending s. 634.303, F.S.; specifying conditions that require licensure; amending s. 634.306, F.S.; requiring the disclosure of shareholder information on an application for licensure; amending s. 634.313, F.S.; revising the contents of annual statements; amending s. 634.401, F.S.; revising definitions with respect to pt. III of ch. 634, F.S., relating to service warranty associations; amending s. 634.403, F.S.; specifying conditions that require licensure; amending s. 634.406, F.S.; authorizing certain associations to allow premiums to exceed certain net asset limitations under certain circumstances; amending s. 634.414, F.S.; providing requirements for service warranty forms and sales brochures; amending s. 634.415, F.S.; removing exemptions from the tax on premiums for premiums and assessments received by insurers; saving ch. 634, F.S., from Sunset repeal; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 6, line 1, strike “for himself” and insert: , on behalf of himself or itself,

Amendment 2—On page 25, line 18 through page 26, line 9, strike all of said lines and renumber subsequent sections.

Amendment 3—On page 30, line 5 through page 31, line 2, strike all of said lines and renumber subsequent sections.

Senator Dyer moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 31, strike all of lines 3-31 and insert:

Section 19. Subsections (6) and (7) are added to section 634.406, Florida Statutes, to read:

634.406 Financial Requirements.—

(6) An association which holds a license under this part and which does not hold any other license under this chapter may allow its premiums to exceed the ratio to net assets limitations of this section if the association meets all of the following:

(a) Maintains net assets of at least \$750,000.

(b) Utilizes a contractual liability insurance policy approved by the department which reimburses the service warranty association for 100 percent of its claims liability.

(c) The insurer issuing the contractual liability insurance policy:

1. Maintains a policyholder surplus of at least \$100,000,000.
2. Is rated "A" or higher by A.M. Best Company or an equivalent rating by another national rating service acceptable to the department.
3. Is in no way affiliated with the warranty association.
4. In conjunction with the warranty association's filing of the quarterly and annual reports, provides, on a form prescribed by the department, a statement certifying the gross written premiums in force reported by the warranty association and a statement that all of the warranty association's gross written premium in force is covered under the contractual liability policy, whether or not it has been reported.

(7) The department shall require that a contractual liability policy insure 100 percent of an association's claims exposure under all of the association's service warranty contracts, wherever written, unless all of the following are satisfied:

(a) The contractual liability policy contains a clause that specifically names the service warranty contract holders as sole beneficiaries of the contractual liability policy and claims are paid directly to the person making a claim under the contract;

(b) The contractual liability policy meets all other requirements of this part, including subsection (3) of this section, which are not inconsistent with this subsection;

(c) The association has been in existence for at least 5 years and:

1. Is listed and traded on a recognized stock exchange; is listed in NASDAQ (National Association of Security Dealers Automated Quotation system) and publicly traded in the over-the-counter securities market; is required to file either of Forms 10K, 100, or 20G with the United States Securities and Exchange Commission; or has American Depository Receipts listed on a recognized stock exchange and publicly traded;

2. Maintains outstanding debt obligations, if any, rated in the top four rating categories by a recognized rating service;

3. Has and maintains at all times a minimum net worth of not less than \$10,000,000 as evidenced by audited financial statements prepared by an independent certified public accountant in accordance with generally accepted accounting principles and submitted to the department annually; and

4. Is authorized to do business in this state; and

(d) The insurer issuing the contractual liability policy:

1. Maintains and has maintained for the preceding 5 years, policyholder surplus of at least \$100,000,000 and is rate "A" or higher by A.M. Best Company or has an equivalent rating by another rating company acceptable to the department;

2. Holds a certificate of authority to do business in this state and is approved to write this type of coverage; and

3. Acknowledges to the department quarterly that it insures all of the association's claims exposure under contracts delivered in this state.

If all the preceding conditions are satisfied, then the scope of coverage under a contractual liability policy shall not be required to exceed an association's claims exposure under service warranty contracts delivered in this state.

And the title is amended as follows:

In title, on page 2, line 31, following the semicolon (;) insert: providing for a contractual liability policy that will insure 100 percent of an association's claims exposure unless specified conditions are met;

On motion by Senator Grant, by two-thirds vote CS for SB 198 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator McKay, by two-thirds vote—

HB 2065—A bill to be entitled An act relating to long-term care ombudsmen; creating s. 400.0060, F.S.; providing definitions; creating ss. 400.0061 and 400.0063, F.S.; providing legislative intent; establishing the Office of State Long-Term Care Ombudsman; providing for designation of ombudsman and legal advocate; creating s. 400.0065, F.S.; providing ombudsman duties and responsibilities; creating s. 400.0067, F.S.; establishing the State Long-Term Care Ombudsman Council; providing membership and duties; providing for initial appointments and meeting; providing for conflicts of interest; providing for separate appropriations; renumbering and amending s. 400.307, F.S.; establishing the district long-term care ombudsman councils; revising membership and duties; providing for administrative support of the Department of Health and Rehabilitative Services; providing for conflicts of interest; renumbering and amending s. 400.314, F.S., relating to state and district ombudsman council investigations; renumbering and amending s. 400.317, F.S., relating to complaint resolution procedures; authorizing state and district ombudsman councils to seek immediate legal or administrative remedies, under certain circumstances; renumbering and amending s. 400.321, F.S.; revising provisions relating to confidentiality; providing for rules relating to disclosure of files; renumbering and amending s. 400.324, F.S.; providing immunity from liability for official actions of the ombudsman or council members; creating s. 400.0081, F.S.; providing for access to facilities, residents, and records; creating s. 400.0083, F.S.; prohibiting interference with persons performing ombudsman duties; prohibiting retaliation against persons reporting to ombudsman representatives; providing penalties; creating s. 400.0087, F.S.; providing for oversight duties of the Department of Elderly Affairs; creating s. 400.0089, F.S.; providing for a uniform data collection and reporting system; requiring biennial reports; creating s. 400.0091, F.S.; establishing a training program for persons carrying out responsibilities of the ombudsman or state or district ombudsman councils; renumbering ss. 400.311 and 400.327, F.S., relating to complaint procedures and penalty; amending ss. 20.41, 394.715, 395.3025, 400.19, 400.407, 400.417, 400.434, 400.441, 402.165, and 415.106, F.S.; conforming language and correcting cross references; amending s. 400.021, F.S.; revising definitions; repealing ss. 400.301, 400.304, and 400.308, F.S., relating to legislative intent and the establishment of the State Nursing Home and Long-Term Care Facility Ombudsman Council and the Legal Advocate for Nursing Home and Long-Term Care Facility Residents; saving pt. I of ch. 400, F.S., from Sunset repeal; saving s. 400.307, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 302 and by two-thirds vote read the second time by title.

Senator McKay moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 400.301, Florida Statutes, is amended to read:

400.301 Legislative intent; nursing home facilities, adult congregate living facilities, and adult foster homes long-term care facilities.—

(1) The Legislature finds and declares that conditions in nursing homes in this state are such that the personal and health care needs of residents of nursing home facilities, adult congregate living facilities, and adult foster homes are not always assured either by regulation of the agency Department of Health and Rehabilitative Services or the good faith of the nursing home industry. Furthermore, there is a need for a formal mechanism whereby a nursing home resident of a nursing home facility, an adult congregate living facility, or an adult foster home, or his representative, may make a complaint against a nursing home facility, an adult congregate living facility, or an adult foster home, or its employees, or make a complaint against a public agency, a health services agency, a guardian, or a representative payee. The Legislature declares further finds that concerned citizens are more effective advocates of the rights of others than governmental agencies. It is the intent of the Legislature, therefore, to provide an alternative to the present method of correcting nursing home deficiencies in nursing home facilities, adult congregate living facilities, and adult foster homes, by establishing, at the state and district levels, voluntary citizen ombudsman

councils ~~that which~~ are not subject to interference by any executive agency and ~~that will which shall~~ undertake to discover, investigate, and determine the presence of abuse or neglect in nursing home facilities, ~~adult congregate living facilities, and adult foster homes;~~ and to receive, investigate, and resolve complaints against ~~these nursing home facilities and homes.~~ To ensure that the effectiveness and efficiency of such investigations are not impeded by advance notice or delay, the Legislature intends that ombudsman councils not be required to obtain warrants in order to enter into or to conduct administrative inspections of nursing home facilities, ~~adult congregate living facilities, and adult foster homes.~~ It is the intent of the Legislature that the environment in nursing home facilities, ~~adult congregate living facilities, and adult foster homes~~ should be conducive to the dignity and independence of residents and that investigations by ombudsman councils should further the enforcement of laws and regulations that safeguard the health, safety, and welfare of residents.

~~(2) The Legislature further finds that procedures for discovering and investigating the presence of abuse or neglect and for receiving and investigating complaints through the mechanism of the state and district ombudsman councils should be extended to include complaints relating to adult congregate living facilities and adult foster homes. These facilities shall hereinafter be referred to as "long-term care facilities."~~

Section 2. Section 400.304, Florida Statutes, 1992 Supplement, is amended to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Council; duties; membership.—

(1) There is created a State Nursing Home and Long-Term Care Facility Ombudsman Council, which shall be located for administrative purposes, ~~as required by the Older Americans Act,~~ in the Department of Elderly Affairs.

(2) ~~The Department of Elderly Affairs is the designated state unit on aging for purposes of complying with the federal Older Americans Act. The Department of Elderly Affairs shall in order to ensure that the ombudsman program has the objectivity and independence required to qualify it for funding under the federal Older Americans Act, and shall the State Unit on Aging of the Department of Health and Rehabilitative Services shall contract with the Department of Elderly Affairs for the operation of an Office of the State Long-Term Care Ombudsman to carry out the long-term care ombudsman program through the Office of the State Long-Term Care Ombudsman Council and advise the state and district councils. The contract shall be limited to provisions which assure compliance with and carry out the intent of the Older Americans Act. The Department of Elderly Affairs State Unit on Aging shall also:~~

~~(a) Provide, in accordance with guidelines formulated by the state council, the funds necessary to match the federal allocation.~~

~~(a)(b) Receive and disburse state and federal funds by contract with the Department of Elderly Affairs for purposes that the state council has formulated in accordance with the Older Americans Act.~~

~~(b)(c) Act as liaison between the federal program representatives, the staffs of the state and district councils, and members of the state and district councils.~~

~~(c)(d) Submit annually to the Legislature, at least 30 days before prior to the convening of the regular session of the Legislature, a report that must include of the status of the contract with the Department of Elderly Affairs, including a statement regarding any problems in the contractual arrangement; an assessment of the success of the ombudsman program during the preceding year; the degree of compliance by the program with the Older Americans Act; and an assessment of the level of cooperation between the Department of Elderly Affairs, the Department of Health and Rehabilitative Services, the agency for Health Care Administration, and the state ombudsman council program regarding shared responsibilities, including, but not limited to, access to records and actions taken on behalf of residents of long-term care facilities. The report must shall be submitted in conjunction with the report submitted by the state ombudsman council required by this section.~~

~~(d) Monitor the district ombudsman councils responsible for carrying out the duties delegated by s. 400.307 and federal law. The Department of Elderly Affairs, in consultation with the ombudsman and the state ombudsman council, shall adopt rules to establish the policies and procedures for monitoring district ombudsman councils.~~

~~(e) In consultation with the ombudsman and the state council, establish a statewide reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities and conditions that affect residents, for the purpose of identifying and resolving significant problems. The department shall submit the data, at least biennially, to the Agency for Health Care Administration, the Department of Health and Rehabilitative Services, the State Long-Term Care Ombudsman Council, the Statewide Human Rights Advocacy Center for Persons with Disabilities, the Commissioner for the United States Administration on Aging, the National Ombudsman Resource Center, and any other state or federal entities that the ombudsman determines appropriate.~~

(3) The state ombudsman council:

(a) Shall help establish and coordinate the district ombudsman councils throughout the state.

(b) Shall serve as an appellate body in receiving from the district ombudsman councils complaints not resolved at the district level. The state ombudsman council may enter any nursing home facility, adult congregate living facility, or adult foster home ~~or long-term care facility~~ involved in an appeal, under pursuant to the conditions specified in s. 400.307(3). Council members who are associated with a nursing home facility, adult congregate living facility, or adult foster home ~~that or long-term care facility which~~ is under investigation by a council may not participate in the investigation or in an appeal.

(c) Shall, in consultation with the Department of Elderly Affairs, develop procedures to discover, investigate, and determine the existence of abuse or neglect in any nursing home facility, adult congregate living facility, or adult foster home ~~or long-term care facility~~. Investigations may consist, in part, of ~~one or more~~ onsite administrative inspections.

(d) Shall, in consultation with the Department of Elderly Affairs, develop procedures for eliciting, receiving, responding to, and resolving complaints made by, and on behalf of, a resident of a nursing home facility, an adult congregate living facility, or an adult foster home ~~and long-term care facility residents.~~

(e) Shall, in consultation with the Department of Elderly Affairs, elect and coordinate state, local, and voluntary organizational assistance for the purpose of improving the care received by residents of a nursing home facility, an adult congregate living, or an adult foster home ~~or long-term care facility.~~

(f) Shall prepare an annual report to the President of the Senate, the Speaker of the House of Representatives, party minority leaders of the House and Senate, chairpersons of appropriate House and Senate committees, and the Governor containing an appraisal of the problems of residents of nursing home facilities, adult congregate living facilities, and adult foster homes; ~~and long-term care facility residents,~~ recommendations for improving the care and treatment provided by nursing home facilities, adult congregate living facilities, and adult foster homes; ~~and long-term care facility care and treatment, and an analysis of the success of the ombudsman program during the preceding year, which should address, at a minimum, the relationship between the ombudsman program, the Department of Elderly Affairs, the agency for Health Care Administration, and the Department of Health and Rehabilitative Services; and an assessment of how successfully the ombudsman program has carried out its responsibilities under the Older Americans Act; and recommendations from the district ombudsman councils regarding program functions and activities. The annual report must include a report of the activities of the legal advocate as required in s. 400.308. The annual report must shall be submitted at least on or before 30 days before prior to the convening of the regular session of the Legislature.~~

(g) Shall, in consultation with the Department of Elderly Affairs, appoint an executive director, who shall serve at the pleasure of the council and shall perform the duties delegated to him by the council. The executive director may serve as the State Long-Term Care Ombudsman, as that term is used in the Older Americans Act. The executive director, with the consent of the council and as authorized and funded by the Older Americans Act, shall employ such personnel, including staff for the district councils, as are necessary to perform adequately the functions of the council and may provide or contract for legal services to assist the state and district councils in the performance of their duties. Staff for each district council must shall be selected in consultation with, and must meet the approval of, that district council. District council staff positions may be established as state career service positions if sufficient funds are provided under the, as Older Americans Act funds permit.

(h) *Shall appoint the legal advocate created in s. 400.308.*

(i)(h) *May contract for services necessary to carry out its activities.*

(j)(i) *May apply for, receive, and accept grants, gifts, or other payments, including, but not limited to, real property, personal property, and services from a governmental entity or other public or private entity or person, and make arrangements as to the use of such grants, gifts, or payments.*

(4) In performing the duties specified in state and federal law, the ombudsman councils ~~are shall be~~ independent of the agency for ~~Health Care Administration~~, the Department of Health and Rehabilitative Services, and the Department of Elderly Affairs. However, the agency, the departments, and the councils shall cooperate fully in the discharge of their responsibilities for identifying and correcting deficiencies in nursing home facilities, adult congregate living facilities, and adult foster homes and other long-term care facilities. The state ombudsman council shall make a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate at any time the council determines judges that organizational, departmental, or agency policy issues threaten the continued independence of the state or district councils in performing their duties.

(5)(a) The state ombudsman council shall be composed of a number of members equal to the number of district councils in the state plus three ~~12 members appointed by the Governor. Each district ombudsman council shall appoint one member and the Governor shall appoint three members. An individual appointed by a district council must have been a member of the district council for at least 1 year, and must currently be serving on the district council. However, while serving on the state council, the member must be relieved of investigation responsibilities of the district council. The Governor's appointments must be made from a list of not fewer than seven nominees to be selected by the Secretary of the Department of Elderly Affairs and submitted to the Governor by November 1, 1993. If the appointments are not made within 60 days after the Governor receives the list of nominees, the secretary must appoint three members from the list of nominees submitted to the Governor. At least one member must be over the age of 60 years. In order to establish staggered terms for members of the state council, the initial appointments for district councils 1, 2, 3a, 3b, and 4 will be for terms of 1 year; the initial appointments for district councils 5, 6, 7, 8, and 9 will be for terms of 2 years; and the initial appointments for districts 10 and 11 and for the Governor's appointees will be for terms of 3 years. All subsequent appointments must be for terms of 3 years. The council shall solicit nominations from appropriate professional organizations, consumer groups representing older or disabled persons and long-term care advocacy groups, and shall submit a list of nominees to the Governor for consideration.~~

(a) ~~The council shall include the following:~~

1. ~~One medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility;~~

2. ~~One registered nurse who has gerontological nursing preparation and experience;~~

3. ~~One nursing home administrator;~~

4. ~~One owner or operator of an adult congregate living facility;~~

5. ~~One licensed pharmacist;~~

6. ~~One registered dietitian;~~

7. ~~Two nursing home residents or representative consumer advocates for nursing home residents;~~

8. ~~One adult congregate living facility resident or representative consumer advocate for adult congregate living facility residents;~~

9. ~~One adult foster home resident or representative consumer advocate for adult foster home residents;~~

10. ~~One attorney; and~~

11. ~~One professional social worker.~~

~~Each of the four representatives who are long-term care facility residents or consumer advocates shall be chosen from a list of at least four persons recommended by the state council.~~

(b) ~~In no case may~~ The medical director of a nursing home or a long-term care facility or an employee of the agency for ~~Health Care Administration~~, the Department of Health and Rehabilitative Services, or the Department of Elderly Affairs ~~may not~~ serve as a member or as an ex officio member of the council. Except for the nursing home facility administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the state ombudsman council ~~must~~ shall certify to having no association with a nursing home or long-term care facility, an adult congregate living facility, or an adult foster home for reward or profit.

(6) All members shall be appointed to serve for 3-year terms. Any vacancy ~~that which~~ occurs shall be filled in the same manner as the original appointment by the Governor. ~~If an appointment is not made within 60 days after a vacancy occurs, or within 60 days after the Governor receives a list of recommendations from the council, whichever is later, the vacancy shall be filled by a majority vote of the council. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.~~

(7) The state ombudsman council shall elect a chairman for a term of 1 year from members who have served at least 1 year. A chairman ~~may not serve more than two terms as chairman. A person who is an owner, administrator, operator, or employee of a nursing home or long-term care facility, an adult congregate living facility, or an adult foster home as defined in s. 400.301(2), may not be elected as chairman of the council. The chairman shall select a vice chairman from among the members. The vice chairman shall preside over the council in the absence of the chairman.~~

(8) The state ombudsman council shall meet upon the call of the chairman, at least quarterly or more frequently as needed.

(9)(a) Members shall receive no compensation but ~~are entitled to~~ shall be reimbursed for per diem and travel expenses as provided for in s. 112.061.

(b) The Department of Elderly Affairs shall make a separate and distinct request for an appropriation for all expenses for the state and district councils. ~~Such request may be combined into a specific appropriation for Department of Elderly Affairs expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts.~~

(10) The state ombudsman council ~~may is~~ authorized to call upon appropriate agencies of state government for such professional assistance as ~~may be~~ needed in the discharge of its duties, including assistance from any adult protective services programs of the Department of Health and Rehabilitative Services as provided for under s. 409.026 and ss. 415.101-415.113.

(11) The state ombudsman council shall enter into a cooperative agreement with the statewide and district human rights advocacy committees, as defined in ss. 402.165 and 402.166 ~~s. 20.19(7) and (8)~~, for the purpose of coordinating advocacy services provided to residents of nursing home and long-term care facilities, adult congregate living facilities, and adult foster homes.

Section 3. Section 400.307, Florida Statutes, 1992 Supplement, is amended to read:

400.307 District ~~nursing home and~~ long-term care facility ombudsman councils; duties; membership.—

(1) There ~~must~~ shall be at least one ~~nursing home and~~ long-term care facility ombudsman council in each ~~planning and service area established by of the districts of the Department of Elderly Affairs Health and Rehabilitative Services~~, which shall function under the direction of the state ombudsman council.

(2) The duties of the district ombudsman council are:

(a) To serve as a third-party mechanism for protecting the health, safety, welfare, and civil and human rights of residents of a nursing home facilities, adult congregate living facilities, and adult foster homes or long-term care facility.

(b) To discover, investigate, and determine the existence of abuse or neglect in any nursing home ~~or long-term care facility, adult congregate living facility, or adult foster home~~ and to use the procedures provided for in ss. 415.101-415.113 when applicable. Investigations may consist, in part, of one or more onsite administrative inspections.

(c) To elicit, receive, respond to, and resolve complaints made by, or on behalf of, a resident of a nursing home facility, an adult congregate living facility, or an adult foster home ~~or long-term care facility residents~~.

(d) To review, for their effect on the rights of residents of nursing home facilities, adult congregate living facilities, or adult foster homes ~~or long-term care facility residents~~, all existing or proposed rules and regulations relating to nursing home facilities, adult congregate living facilities, or adult foster homes ~~or long-term care facilities~~.

(e) To review personal property and money accounts of Medicaid residents pursuant to an investigation to obtain information regarding a specific complaint or problem.

(f) To represent the interests of residents before government agencies and to seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents.

(g) To carry out other activities that the ombudsman determines to be appropriate.

(3) In order to carry out the duties specified in subsection (2), the district ombudsman council may, ~~under is authorized, pursuant to ss. 400.19(1) and 400.434, to enter any nursing home or long-term care facility, adult congregate living facility, or adult foster home without notice or first obtaining a warrant, subject to the provisions of s. 400.314(5).~~

(4) Each district ombudsman council shall be composed of no less than 15 members and no more than 30 ~~20~~ members from the district, to include the following: one medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility; one registered nurse who has geriatric experience, if possible; one nursing home facility administrator; one owner or operator of an adult congregate living facility; one licensed pharmacist; one registered dietitian; at least five nursing home facility residents or representative consumer advocates for nursing home facility residents; at least two residents of an adult congregate living facility or an adult foster home ~~long-term care facility residents~~ or two representative consumer advocates for residents of an adult congregate living facility or an adult foster home ~~long-term care facility residents~~; one attorney; and one professional social worker. ~~In no case shall~~ The medical director of a nursing home ~~or a long-term care facility, an adult congregate living facility, or an adult foster home; or an employee of the agency for Health Care Administration, the Department of Health and Rehabilitative Services, or the Department of Elderly Affairs may not serve as a member or as an ex officio member of a council. Except for the nursing home facility administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the council must shall~~ certify to having no association with a nursing home ~~or long-term care facility, an adult congregate living facility, or an adult foster home~~ for reward or profit. Any member who has an affiliation with a nursing home facility, adult congregate living facility, or adult foster home may not participate in any investigation or inspection of any facility with which he has such affiliation. ~~District ombudsman councils must try to recruit council members over the age of 60.~~

(5) All members shall be appointed to serve 3-year terms. Upon expiration of a term and in case of any other vacancy, the council shall appoint a replacement by majority vote of the council, subject to the approval of the Governor. If no action is taken by the Governor to approve or disapprove the replacement of a member within 30 days after the council has notified the Governor of the appointment, the appointment of the replacement ~~is shall~~ be considered approved. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(6) The district ombudsman council shall elect a chairman for a term of 1 year from members who have served at least 1 year. ~~In no case shall~~ A person who is an owner, administrator, operator, or employee of a nursing home facility, an adult congregate living facility, or an adult foster

home may not ~~or long-term care facility, as defined in s. 400.301(2), be~~ elected as chairman of the council. The chairman shall select a vice chairman from among the members of the council. The vice chairman shall preside over the council in the absence of the chairman.

(7) The district ombudsman council shall meet upon the call of the chairman, at least once a month or more frequently as needed to handle emergency situations.

(8) A member of a district ombudsman council shall receive no compensation but ~~is entitled to shall~~ be reimbursed for travel expenses both within and outside the county of residence in accordance with the ~~provisions of s. 112.061.~~

(9) The district ombudsman councils ~~may are authorized to call upon~~ appropriate agencies of state government for such professional assistance as ~~may be~~ needed in the discharge of their duties. All state agencies shall cooperate with the district ombudsman councils in providing requested information and agency representatives at council meetings. ~~The Department of Health and Rehabilitative Services shall provide office space and in-kind administrative support for each district ombudsman council staff within available resources until the Legislature appropriates funds for office space and administrative support.~~

Section 4. Section 400.308, Florida Statutes, is amended to read:

400.308 Legal advocate for ~~Nursing Home and~~ long-term care facility residents.—

(1) There is created the position of legal advocate for ~~Nursing Home and~~ long-term care facility residents, located ~~for administrative purposes in the Office of the State Long-Term Care Ombudsman Council Pepper Commission on Aging or in any agency that is a successor to the commission.~~

(2) The legal advocate may:

(a) Assist the State ~~Nursing Home and Long-Term Care Facility Ombudsman Council~~ in carrying out its duties under s. 400.304 with respect to the abuse, neglect, or violation of rights of residents of nursing home facilities, adult congregate living facilities, or adult foster homes ~~and long-term care facility residents~~.

(b) Assist the district ~~nursing home and~~ long-term care facility ombudsman councils in carrying out their duties under s. 400.307 with respect to the abuse, neglect, or violation of rights of residents of nursing home facilities, adult congregate living facilities, or adult foster homes ~~and long-term care facility residents~~.

(c) Bring and prosecute legal and equitable actions to enforce the rights of residents of nursing home facilities, adult congregate living facilities, or adult foster homes, ~~and long-term care facility residents~~ as defined by this chapter.

(d) Serve as legal counsel to the State ~~Nursing Home and Long-Term Care Facility Ombudsman Council~~, providing advice and consultation and legal representation for any representative of the council against whom suit or other legal action is brought in connection with the performance of the representative's official duties.

Section 5. Section 400.311, Florida Statutes, is amended to read:

400.311 Complaint procedures; ~~interference; retaliation; penalties.~~—

(1) The state ombudsman council shall establish state and district procedures for receiving complaints against a nursing home ~~or long-term care facility, an adult congregate living facility, or an adult foster home~~ or an ~~its~~ employee of a nursing home facility, an adult congregate living facility, or an adult foster home.

(2) These procedures ~~must shall~~ be posted in full view in every nursing home ~~or long-term care facility, adult congregate living facility, and adult foster home~~. Every resident or representative of a resident ~~must be given shall receive~~, upon admission to a nursing home ~~or long-term care facility, an adult congregate living facility, or an adult foster home~~, a printed copy of the procedures of the state and the district ombudsman councils.

(3) ~~It is unlawful for any person, long-term care facility, or other entity to willfully interfere with a representative of the Office of the State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council, or a district long-term care ombudsman council in the performance of official duties.~~

(4) *It is unlawful for any person, long-term care facility, or other entity to retaliate against any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of the Office of the State Long-Term Care Ombudsman, the State Long-Term Care Ombudsman Council, or a district long-term care ombudsman council.*

(5)(a) *Any person, long-term care facility, or other entity who violates this section is liable for damages and equitable relief as determined by law.*

(b) *Any person, long-term care facility, or other entity who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.083.*

Section 6. Section 400.314, Florida Statutes, is amended to read:

400.314 State and district ombudsman council investigations.—

(1) A district ombudsman council shall investigate any complaint of a resident or representative of a resident based on an action by an administrator or employee of a nursing home ~~or long-term care facility, an adult congregate living facility, or an adult foster home~~ which might be:

- (a) Contrary to law.
- (b) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law.
- (c) Based on a mistake of fact.
- (d) Based on improper or irrelevant grounds.
- (e) Unaccompanied by an adequate statement of reasons.
- (f) Performed in an inefficient manner.
- (g) Otherwise erroneous.

(2) In an investigation, both the state and district ombudsman councils ~~may have the authority to~~ hold hearings.

(3) ~~After Subsequent to~~ an appeal from a district ombudsman council, the state ombudsman council may investigate any nursing home ~~or long-term care facility, adult congregate living facility, or adult foster home.~~

(4) In addition to any specific investigation made pursuant to a complaint, the district ombudsman council shall conduct, at least annually, an investigation ~~that consists, which shall consist,~~ in part, of an onsite administrative inspection, of each nursing home ~~or long-term care facility, adult congregate living facility, and adult foster home~~ within its jurisdiction.

(5) Any onsite administrative inspection conducted by an ombudsman council ~~is shall be~~ subject to the following:

- (a) All inspections ~~must shall~~ be at times and for durations necessary to produce the information required to carry out the duties of the council.
- (b) ~~No~~ Advance notice of an inspection ~~may not shall~~ be provided to any nursing home ~~or long-term care facility, adult congregate living facility, or adult foster home~~, except that notice of followup inspections on specific problems may be provided.

(c) Inspections ~~must shall~~ be conducted in a manner ~~that which~~ will not impose an ~~no~~ unreasonable burden on nursing home facilities, adult congregate living facilities, or adult foster homes ~~homes or long-term care facilities~~, consistent with the underlying purposes of this part. Unnecessary duplication of efforts among council members or the councils ~~must shall~~ be reduced to the extent possible.

(d) Any ombudsman council member physically present for the inspection ~~must shall~~ identify himself and the statutory authority for his inspection of the facility.

(e) Inspections may not unreasonably interfere with the programs and activities of clients within the facility. Ombudsman council members shall respect the rights of residents.

(f) All inspections ~~are shall be~~ limited to compliance with parts I, and II, and VI of this chapter and 42 U.S.C. s. 1396(a) et seq. and any rules or regulations ~~adopted under promulgated pursuant to~~ such laws.

(g) ~~An No~~ ombudsman council member ~~may not shall~~ enter a single-family residential unit within a nursing home facility, an adult congregate living facility, or an adult foster home ~~long-term care facility~~ without the permission of the resident or the representative of the resident.

(h) Any inspection resulting from a specific complaint made to an ombudsman council concerning a facility ~~must shall~~ be conducted within a reasonable time after the complaint is made.

(6) An inspection may not be accomplished by forcible entry. Refusal of a nursing home ~~or long-term care facility, an adult congregate living facility, or an adult foster home~~ to allow entry of any ombudsman council member to enter the facility constitutes a violation of part I, ~~or~~ part II, or part VI of this chapter.

(7) The members of the state and district ombudsman councils shall have access to:

(a) A nursing home facility, an adult congregate living facility, and an adult foster home, and the residents of those facilities and homes.

(b) The medical and social records of a resident for purposes of review if:

1. The resident, or his legal representative, provides written consent.
2. The resident is unable to consent to the review of his records and the resident has no legal representative.

(c) The administrative records, policies, and documents that are accessible to residents and the public.

(d) Copies of all licensing and certification records that are maintained by the agency with respect to nursing home facilities, adult congregate living facilities, and adult foster homes.

(8) Notwithstanding paragraph (7)(b), if, pursuant to a complaint investigation by the state ombudsman council or a district ombudsman council, the legal representative of the resident refuses to give permission for the release of the resident's records, and if the Office of the State Long-Term Care Ombudsman Council has reasonable cause to find that the legal representative is not acting in the best interests of the resident, the medical and social records of the resident must be made available to the state or district council as is necessary for the members of the council to investigate the complaint.

Section 7. Section 400.31455, Florida Statutes, is created to read:

400.31455 Rulemaking.—The Department of Elderly Affairs shall adopt administrative rules to implement:

(1) Access of state and district councils and their staffs to nursing home facilities, adult congregate living facilities, adult foster homes, the residents of those facilities, and their medical and social records as provided in s. 400.314(7).

(2) Conflict of interest as described in ss. 400.301, 400.304, 400.307, 400.308, 400.311, 400.314, and 400.317.

(3) Confidentiality of residents' records and ombudsman council meetings as provided in s. 400.321.

Section 8. Section 400.317, Florida Statutes, is amended to read:

400.317 Complaint resolution procedures.—

(1) Any complaint, including any problem identified by an ombudsman council as a result of an investigation, deemed valid and requiring remedial action by the district ombudsman council ~~must shall~~ be identified and brought to the attention of the administrator of the nursing home ~~or long-term care facility or adult congregate living facility or the owner of the adult foster home administrator~~ in writing. Upon receipt of such document, the administrator ~~or owner~~, in concurrence with the district ombudsman council chairman, shall establish target dates for taking appropriate remedial action. If, by the target date, the remedial action is not completed or forthcoming, the district ombudsman council may:

(a) Extend the target date if the council has reason to believe such action would facilitate the resolution of the complaint.

(b) In accordance with s. 400.321, publicize the complaint, the recommendations of the council, and the response of the nursing home ~~or long-term care facility, adult congregate living facility, or adult foster home.~~

(c) Refer the complaint to the state ombudsman council.

(2) Upon referral from the district ombudsman council, the state ombudsman council shall assume the responsibility for the disposition of the complaint. If a nursing home ~~or long-term care facility, an adult congregate living facility, or an adult foster home~~ fails to take action on a complaint found valid by the state ombudsman council, the state council may:

(a) In accordance with s. 400.321 *and after notice to the Department of Elderly Affairs*, publicize the complaint, the recommendations of the council, and the response of the nursing home ~~or long-term care facility, adult congregate living facility, or adult foster home~~.

(b) Recommend to the ~~agency department~~ a series of facility reviews ~~under pursuant to s. 400.19(4)~~ to assure correction and nonrecurrence of conditions that give rise to complaints against a nursing home facility, ~~an adult congregate living facility, or an adult foster home~~.

(c) Recommend to the ~~agency department~~ changes in rules ~~and regulations~~ for inspecting and licensing or certifying nursing home ~~or long-term care~~ facilities, *and recommend to the Department of Health and Rehabilitative Services changes in rules for licensing and regulating adult congregate living facilities and adult foster homes*.

(d) Refer the complaint to the state attorney for prosecution if there is reason to believe the nursing home ~~or long-term care facility, adult congregate living facility, or adult foster home, or an its employee of the nursing home facility, adult congregate living facility, or adult foster home~~ is guilty of a criminal act.

(e) Recommend to the Department of Health and Rehabilitative Services that the nursing home facility, *adult congregate living facility, or adult foster home* no longer receive payments under the State Medical Assistance Program (Medicaid).

(f) Recommend that the ~~agency Department of Health and Rehabilitative Services~~ initiate procedures for revocation of license in accordance with chapter 120.

(3) *The state ombudsman council shall provide to the Department of Elderly Affairs quarterly, in a written report, information as may be necessary to report to the Office of Ombudsman Programs within the federal Administration on Aging.*

Section 9. Subsection (3) of section 20.41, Florida Statutes, is repealed.

Section 10. Notwithstanding the provisions of section 11.16, Florida Statutes, the Regulatory Sunset Act, or section 83 of chapter 83-181, Laws of Florida, sections 400.301, 400.304, 400.307, 400.311, 400.314, 400.317, 400.321, 400.324, and 400.327, Florida Statutes, shall not stand repealed October 1, 1993, as scheduled by such laws, but those sections, as amended by this act, are revived and readopted.

Section 11. Section 84 of chapter 83-181, Laws of Florida, is repealed.

Section 12. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.301, F.S.; providing legislative intent with respect to inspections of nursing home facilities, adult congregate living facilities, and adult foster homes by ombudsman councils; amending s. 400.304, F.S.; redesignating the State Nursing Home and Long-Term Care Facility Ombudsman Council as the State Long-Term Care Ombudsman Council; designating the Department of Elderly Affairs as the state unit on aging for purposes of federal law; providing duties of the department in the operation of the ombudsman program; providing for the membership and duties of the state ombudsman council; amending s. 400.307, F.S.; redesignating the district nursing home and long-term care facility ombudsman councils as the district long-term care ombudsman councils; providing for the membership and duties of the district ombudsman councils; amending s. 400.308, F.S.; locating the position of legal advocate for long-term care facility residents within the Office of the State Long-Term Care Ombudsman Council; providing duties of the legal advocate; amending s. 400.311, F.S.; providing for complaints against nursing home facilities, adult congregate living facilities, and adult foster homes; providing for penalties if interference occurs during

investigation; amending s. 400.314, F.S.; providing requirements for investigations by state and district ombudsman councils; providing circumstances under which certain records of a resident may be released to the long-term care ombudsman councils; creating s. 400.31455, F.S.; providing rulemaking authority to Department of Elderly Affairs; amending s. 400.317, F.S.; providing procedures for resolving complaints against nursing home facilities, adult congregate living facilities, and adult foster homes; repealing s. 20.41(3), F.S., relating to the state and district nursing home and long-term care facility ombudsman councils; reviving and readopting portions of part I, ch. 400, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; repealing s. 84, ch. 83-181, Laws of Florida, abrogating the repeal of ss. 400.304, 400.307, F.S., scheduled under the Sundown Act; providing an effective date.

On motion by Senator McKay, by two-thirds vote **HB 2065** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

On motion by Senator McKay, the rules were waived and **HB 2065** was ordered immediately certified to the House.

SCR 8—A concurrent resolution to the Congress and the Supreme Court of the United States requesting Congress to enact legislation, and the Supreme Court to amend its rules, regarding litigation pertaining to conditions of confinement in state, territorial, county, or municipal correctional detention facilities.

WHEREAS, the territories of the United States, the states of the union, and their counties, municipalities and subdivisions are subjected to federal litigation regarding the conditions of confinement in local and state detention facilities, and

WHEREAS, under current case law and the federal rules of civil procedure, effective limits are not placed on the powers, duration, or cost of masterships, court experts, and class counsel in prison class action after a decree is entered, and

WHEREAS, under current case law and the Federal Rules of Civil Procedure and 42 U.S.C. s. 1988, all of the costs of a mastership, court experts, and plaintiffs' counsel at the post decree "monitoring" stage of prison litigation can be imposed on state and local taxpayers, and

WHEREAS, there are no statutory controls or other federal regulations providing limits on the rate of compensation for special masters, monitors, experts, plaintiffs' counsel, or their respective staff, and

WHEREAS, under the system for imposition of mastership, expert and plaintiffs' counsel fees, and costs imposed by the federal court on the defendant in prison litigation, the defendant governmental entity has no effective means of challenging expenditures by the mastership, the federal court, its experts, or plaintiffs' counsel without having the cost of litigating those objections imposed on the people of the state or local government, and

WHEREAS, the Federal Rules of Civil Procedure and 42 U.S.C. s. 1988 do not protect the defendant in prison reform litigation that has reached the post decree "monitoring" stage from the imposition of unreasonable fees and costs, and

WHEREAS, under the Federal Rules of Civil Procedure and 42 U.S.C. s. 1988, the master and monitor should not have a financial incentive to continue litigation and thus be unwilling to bring a mastership to a close, and

WHEREAS, the master and monitor are, in large part, the federal court's eyes and ears inside a prison system for which they are appointed to monitor, but the Federal Rules of Civil Procedure and 42 U.S.C. s. 1988 permit the mastership to report directly to the court on matters they observe without allowing parties to be privy to those communications, and

WHEREAS, the ability of masters and monitors to engage in ex parte communications with the federal court can undermine the fundamental fairness to the litigation in which they participate, and

WHEREAS, the masters wield judicial power as officers of the court, especially where a district court delegates the judicial power to recommend action on all motions filed in the case and to make binding findings of fact; however, it is not clear under the case law, statutes, or rules whether masters and monitors are subject to the same ethical considerations embodied in 28 U.S.C. s. 455, as are federal justices, judges, magistrates, and their law clerks, and

WHEREAS, in the Florida litigation, the federal court appointed a special master and monitor to dispose of all motions and matters in the case, as well as monitor the defendant's progress in implementing the terms of the previous settlement agreements in the case, and

WHEREAS, the court required the defendant in the case, the Secretary of Corrections, to bear the costs of the litigation, including the costs and fees of court-appointed experts, the special master, the monitor, mastership personnel, out-of-state experts, and plaintiffs' counsel, and

WHEREAS, more than 2 years after creation of the mastership, the federal court removed all limits on what the master and monitor could bill the state for their services or expenses, limits which existed in the original order appointing them, and

WHEREAS, the federal court placed no time limits on the life of the Florida mastership, and

WHEREAS, the State of Florida has been charged by the hour for plaintiffs' counsel's actions and for mastership review of all motions filed, regardless of the outcome or who prevailed, and a cost was imposed on the defendant for the resolution of any and all motions filed in the case, and

WHEREAS, the federal court gave the mastership the power to report ex parte to the district judge on its ex parte communications with others and to report the mastership's conclusions regarding those communications, without requiring the content of those discussions to be revealed to the counsel for the parties and without an opportunity for response and rebuttal, and

WHEREAS, if there exists a "by-the-hour" method of payment to those involved in litigation where all costs are borne by the defendant, it can undermine the public's confidence in the fairness and integrity of judicial proceedings, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Congress of the United States is requested to enact changes to Title 28 of the United States Code, and the Supreme Court of the United States is requested to adopt changes to the Federal Rules of Civil Procedure and the Federal Rules of Evidence, clarifying the powers of masters and their relationship to the federal courts, and appropriately regulating the payment of fees and costs of masters, monitors, and court-appointed expert witnesses in litigation pertaining to conditions of confinement in state, territorial, county, or municipal correctional and detention facilities. We urge, at a minimum, the following specific changes to make the use of masters, monitors, and court-appointed expert witnesses fair and accountable.

Since the federal courts have unlimited discretion over the costs of masters and court-appointed experts, and exercise varying degrees of control over those costs, the Congress should examine requiring the federal courts to bear these costs, or, in the alternative, specific restrictions should be examined for use in prison litigation, such as:

1. Limiting the size of mastership staff to, for example, no more than one assistant, a paralegal, and a secretary;
2. Eliminating the ability of masters to bill separately for their fees and their overhead, since most professional consultant's fees include overhead;
3. Limiting the compensation rate of masters and monitors so that they do not exceed hourly rates paid for the services of United States Magistrates;
4. Limiting the compensation rate of court-appointed experts so that, if they are to be paid on an hourly basis, their hourly rate does not exceed hourly rates paid for the services of professionals with commensurate credentials employed by the Federal Government;

5. Requiring the court to give preference, when appointing special masters or monitors under Rule 53 of the Federal Rules of Civil Procedure, and expert witnesses under Rule 706 of the Federal Rules of Evidence, to in-state residents of the state in which the prison reform litigation is pending;

6. Requiring the court to demonstrate a compelling reason, and that no in-state candidate was available, in the event an out-of-state expert, master, or monitor is selected;

7. Prescribing guidelines for the amount masters, monitors, and experts may bill for time spent traveling;

8. Placing restrictions on the expenses that may be billed to a state party which are commensurate with limitations imposed on court personnel and federal employees, including per diem rates, room charges, ground transportation costs, airfares, etc.;

9. Establishing a procedure for the prompt, periodic review of bills submitted by mastership personnel and court experts for reasonableness, preferably by a judge other than the judge before whom the case is pending, and a mechanism for interlocutory appeal of such fees and costs awards;

10. Expressly including special masters, monitors, and mastership personnel within the reach of 28 U.S.C. s. 455 and other canons of ethics governing judicial conduct;

11. Amending Rule 53 of the Federal Rules of Civil Procedure to change the standard of review of findings of fact by a special master from the current "clearly erroneous" standard to "de novo" review, such as that for findings of fact by a United States Magistrate;

12. Providing that, upon the filing of a petition to terminate a mastership, the burden is on the party opposing such a motion to demonstrate that exceptional conditions continue to exist which justify the continued appointment of a master;

13. Providing that a petition to terminate a mastership shall be expeditiously resolved by a district judge other than the judge who appointed the mastership;

14. Providing that a party has an immediate right to file an interlocutory appeal of any order denying dissolution of a mastership; and

15. After an initial 3-year term, a district court should be required to justify the continuation of a mastership annually and demonstrate the continued existence of exceptional circumstances.

BE IT FURTHER RESOLVED that 42 U.S.C. s. 1988 should be amended as follows:

1. Unless it is in the best interest of justice as determined by the court, no fees shall be paid to plaintiffs' counsel in a prison case, subsequent to the entry of a consent decree or settlement agreement, for work monitoring compliance with such agreements if a master or monitor have been appointed to perform that role;

2. Unless it is in the best interest of justice as determined by the court, no fees shall be paid to plaintiffs' counsel in a prison case, subsequent to the entry of a consent decree or settlement agreement, for work associated with filing, reviewing, investigating, or drafting motions on which the plaintiffs do not ultimately prevail by court order;

3. No fees shall be paid to plaintiffs' counsel in a prison case, subsequent to the entry of a consent decree or settlement agreement, for work associated with filing, reviewing, investigating, or drafting motions regarding interpretations of the scope or meaning of the terms of such a decree, if the defendant can show bad faith on the part of the plaintiff's counsel in taking such actions;

4. The hourly rate to be paid plaintiffs' class counsel for work at a monitoring stage of litigation, subsequent to the entry of a consent decree or settlement agreement, shall be limited to a specific fee schedule, to be set out in the statute, which shall be commensurate with the fees paid to attorneys for the government with similar credentials and experience;

5. Plaintiffs' counsel shall not be entitled to be reimbursed for expert witnesses who are consulted by them, but who are not used at any hearing or trial, unless expressly authorized by the court and unless it is shown that the use of such experts directly benefits the case;

6. Plaintiffs' counsel shall not be entitled to reimbursement of costs for photocopying which is associated with attorney convenience (i.e., maintaining their own files, copies of cases collected in research, correspondence, etc.);

7. No fees shall be paid to plaintiffs' counsel in a prison case, subsequent to the entry of a consent decree or settlement agreement, for work associated with opposing defendant's objections to fees and costs of plaintiffs' counsel, mastership personnel, or court-appointed experts, unless the plaintiffs' counsel prevails in all material respects in their opposition;

8. No fees shall be paid to plaintiffs' counsel in a prison case, before or after the entry of a consent decree or settlement agreement, for communications with members of the media; and

9. No multipliers or enhancers may be placed on plaintiffs' counsels' fees in a prison case after the entry of a consent decree or settlement agreement.

BE IT FURTHER RESOLVED that certified copies of this concurrent resolution be dispatched to the President of the United States, to the Chief Justice of the United States Supreme Court, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Chairmen of the Senate and House Judiciary Committees, to the minority leaders of the Senate and House Judiciary Committees, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator McKay, **SCR 8** was adopted and certified to the House. The vote on adoption was:

Yeas—39 Nays—None

The Senate resumed consideration of—

SB 134—A bill to be entitled An act relating to health care providers; amending s. 455.238, F.S.; defining the additional amount of charges that constitutes a prohibited markup for services rendered by another, deleting authority to charge a handling fee; providing an effective date.

—which had been previously considered and amended this day.

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B—On page 2, between lines 4 and 5, insert:

Section 4. Section 16 of chapter 92-178, Laws of Florida, is repealed.

(Renumber subsequent section.)

Senator Grant moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with Title Amendment)—On page 2, between lines 4 and 5, insert:

Section 4. (1) A not-for-profit entity that provides diagnostic imaging services that was in existence prior to January 1, 1992, and which is owned 50 percent by a hospital or an affiliate of the hospital and 50 percent by physicians on or before that date is exempt from the provisions of chapter 92-178, Laws of Florida, as amended, provided that any such entity submits to utilization review and rate review by the Agency for Health Care Administration. After review, if the Agency for Health Care Administration finds that the rates being charged for services are above the average rate in the community, the agency may issue an administrative order, as provided under chapter 120, setting rates for each service being provided by the entity at the average level being charged for similar services in the community.

(2) Once the Agency for Health Care Administration has set rates, as provided in subsection (1), an affected entity may annually request a review of any rates set, and may present evidence to the agency on its own behalf to support its request for an increase in allowable rates for diagnostic imaging services. The Agency for Health Care Administration must adopt rules for the implementation of this section.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 29, after the semicolon (;) insert: exempting certain entities offering diagnostic imaging services from the provisions of chapter 92-178, Laws of Florida; authorizing the Agency for Health Care Administration to set rates for exempted entities pursuant to chapter 120, F.S.; providing for annual review of rates set upon request from an exempted entity; providing rulemaking authority;

Amendment 1 as amended was adopted.

On motion by Senator Myers, by two-thirds vote **SB 134** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

SENATOR THOMAS PRESIDING

SB 308—A bill to be entitled An act relating to child care; amending s. 402.302, F.S.; defining the term "before and after school program"; amending s. 402.3025, F.S.; providing for regulation of certain programs as child care if the State Board of Education fails to adopt rules for exempted programs; providing an additional criterion for exemption of certain programs operated by nonpublic schools; requiring that programs must document their eligibility for exclusion from licensure requirements; amending s. 402.307, F.S.; prescribing powers and duties of the Department of Health and Rehabilitative Services with respect to approving local licensing agencies to license child care facilities; providing for resumption of child care facility licensing by the department; amending s. 402.308, F.S.; prescribing duties of the department and of local licensing agencies with respect to training and performance by persons with responsibilities for child care facility licensing; amending s. 402.310, F.S.; providing that an applicant or licensee appealing a decision of a local licensing agency does so under the provisions of ch. 120, F.S.; amending s. 402.313, F.S.; eliminating licensure requirements for family day care homes that are participating in the subsidized child care program; prescribing duties of the Department of Health and Rehabilitative Services to study the family day care home system and make recommendations for necessary changes; amending s. 402.316, F.S.; prescribing procedures for a child care facility to claim exemption from licensure requirements; creating s. 402.317, F.S.; providing for rules relating to standards for before and after school programs; repealing s. 7, ch. 83-248, Laws of Florida, s. 4, ch. 83-250, Laws of Florida, s. 19, ch. 84-551, Laws of Florida, s. 1(4), ch. 89-296, Laws of Florida; reviving and readopting certain sections relating to subsidized child care and the care of dependent children under ch. 409, F.S., their repeal and review under the Regulatory Sunset Act notwithstanding; providing an effective date.

—was read the second time by title.

One amendment was adopted to **SB 308** to conform the bill to **HB 2057**.

Pending further consideration of **SB 308** as amended, on motions by Senator McKay, by two-thirds vote—

HB 2057—A bill to be entitled An act relating to child care; saving ss. 402.301, 402.302, 402.3025, 402.305, 402.3055, 402.306, 402.307, 402.308, 402.309, 402.310, 402.311, 402.312, 402.3125, 402.313, 402.314, 402.315, 402.316, 402.318, and 402.319, F.S., relating to licensure of child care facilities and family day care homes, from Sunset repeal; providing for future review and repeal; saving ss. 409.145 and 409.165, F.S., relating to programs for alternate care for dependent children, from Sunset repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **SB 308** and by two-thirds vote read the second time by title.

Senator Bankhead moved the following amendment which failed:

Amendment 1 (with Title Amendment)—On page 1, line 17, insert:

Section 1. Subsection (4) of section 402.305, Florida Statutes, 1992 Supplement, is amended to read:

402.305 Licensing standards; child care facilities.—

(4) **STAFF-TO-CHILDREN RATIO.**—Minimum standards for the care of children in a licensed child care facility as established by rule of the department must include:

(a) For children from birth through 1 year of age, there must be one child care personnel for every ~~five~~ *four* children.

(b) For children 1 year of age or older, but under 2 years of age, there must be one child care personnel for every six children.

(c) For children 2 years of age or older, but under 3 years of age, there must be one child care personnel for every 11 children.

(d) For children 3 years of age or older, but under 4 years of age, there must be one child care personnel for every 15 children.

(e) For children 4 years of age or older, but under 5 years of age, there must be one child care personnel for every 20 children.

(f) For children 5 years of age or older, there must be one child care personnel for every 25 children.

The provisions of this subsection do not apply to nonpublic schools and their integral programs as defined in s. 402.3025(2)(d)1.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: amending s. 402.305, F.S.; revising the staff-to-children ratio for a child care facility;

On motion by Senator McKay, by two-thirds vote **HB 2057** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 326—A bill to be entitled An act relating to aquaculture; amending s. 597.001, F.S., relating to the short title of the “Florida Aquaculture Policy Act”; revising a reference; amending s. 597.0021, F.S., relating to legislative intent; revising a reference; amending s. 597.003, F.S., relating to powers and duties of the Department of Agriculture and Consumer Services; revising language; amending s. 597.005, F.S., relating to the Aquaculture Review Council; deleting obsolete language; revising responsibilities; amending s. 597.006, F.S., relating to the Aquaculture Interagency Coordinating Council; eliminating the Department of Health and Rehabilitative Services as a coordinating agency for aquaculture; deleting obsolete language; revising composition and responsibilities; saving ss. 597.0021(5), 597.005, and 597.006, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Foley moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 9, strike all of lines 18-24 and renumber subsequent section.

And the title is amended as follows:

In title, on page 1, strike line 21 and insert: repeal;

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 2 (with Title Amendment)—On page 2, strike all of lines 16-21 and insert: of agriculture.

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: revising a legislative finding;

Amendment 3 (with Title Amendment)—On page 9, between lines 10 and 11, insert:

Section 6. Section 597.007, Florida Statutes, is amended to read:

597.007 *Aquaculture Delegation of permitting.*—*The water management districts have exclusive regulatory authority for aquaculture activities under part IV of chapter 373, part VIII of chapter 403, and ss.*

403.087 and 403.088. The water management districts may issue exemptions or general permits for aquaculture activities that meet the water-quality standards provided in chapter 17-302, Florida Administrative Code. Provided the data characterizing the water quality of the various types of aquaculture activities are made available to the Department of Environmental Regulation by the Institute of Food and Agricultural Sciences by December 1, 1990, the Department of Environmental Regulation and the water management districts are directed to begin workshops on the delegation of the permitting of aquaculture facilities from the department to the water management districts. The Department of Environmental Regulation and the water management districts shall formulate a plan for the delegation of general permits, where appropriate, and shall present the plan, with recommendations for statutory changes, to the Legislature no later than March 1, 1991. In the event delegation of permitting for a particular aquaculture activity is determined to be not appropriate, the plan shall state the reasons for such determination. The first phase of delegation shall take effect no later than July 1, 1991.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 19, after the semicolon (;) insert: amending s. 597.007, F.S.; providing for regulation of certain aquaculture activities by the water management districts; authorizing the districts to issue exemptions or general permits for aquaculture activities meeting specified water-quality standards;

On motion by Senator Foley, by two-thirds vote **SB 326** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

On motion by Senator Foley, the rules were waived and **SB 326** was ordered immediately certified to the House.

On motion by Senator Grant, by two-thirds vote **HB 1865** was withdrawn from the Committee on Commerce.

On motion by Senator Grant—

HB 1865—A bill to be entitled An act relating to confidentiality of information concerning certain entities regulated by the Department of Insurance; amending ss. 637.167, 637.326, 638.282, and 639.33, F.S., which provide exemptions from public records requirements for investigatory records of the department relating to optometric service plan corporations, pharmaceutical service plan corporations, ambulance service associations, and preneed funeral merchandise or service contract businesses; revising the exemptions and saving them from repeal; providing for future review and repeal; providing intent; providing an effective date.

—a companion measure, was substituted for **CS for SB’s 906, 918 and 1078** and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1865** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Grant, by two-thirds vote **HB 1863** was withdrawn from the Committee on Commerce.

On motion by Senator Grant—

HB 1863—A bill to be entitled An act relating to the confidentiality of State Fire Marshal records; amending s. 633.111, F.S.; revising the exemption from public records requirements for State Fire Marshal investigative records; amending s. 633.175, F.S.; revising the exemption for information relating to certain investigations received by specified personnel and specifying that discussions of such information are exempt from public meetings requirements; removing provisions which specify that certain protected materials shall not be obtained by subpoena; amending s. 633.527, F.S.; removing the exemption for certain information required of applicants for certification; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 908** and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1863** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 910—A bill to be entitled An act relating to confidentiality of information pertaining to insurance; reenacting and amending ss. 624.310(3), 624.311, 624.312, 624.86, F.S., which provide exemption from public records requirements; clarifying the exemption and preserving them from expiration under the Open Government Sunset Review Act; reenacting and amending ss. 624.319, 624.82, 624.91, F.S., which provide exemption from public records requirements; preserving such exemptions from expiration under the Open Government Sunset Review Act; provides for future expiration and review of such exemptions; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for SB 910** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 912—A bill to be entitled An act relating to confidentiality of information pertaining to continuing care contracts; reenacting and amending s. 651.134, F.S.; restating the exemptions from the Open Government Sunset Review Act; providing for open government sunset review; reenacting and amending s. 651.091, F.S.; deleting requirement that certain information not be distributed unless confidential status has expired; amending s. 651.105(3), F.S.; deleting requirement that certain information not be distributed unless confidential status has expired; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for SB 912** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motions by Senator Grant, by two-thirds vote—

HB 2273—A bill to be entitled An act relating to confidentiality of records relating to entities regulated by the Department of Insurance; amending ss. 634.045 and 634.4065, F.S., which provide exemptions from public records requirements for filings made by guarantee organizations for motor vehicle service agreement companies and service warranty associations; saving the exemptions from repeal; amending s. 634.201, F.S.; revising provisions which specify that information relating to a hearing for revocation or suspension of a license or appointment of a motor vehicle service agreement salesman is not subject to subpoena, to provide that such information is confidential and exempt from s. 119.07(1), F.S.; amending ss. 634.348 and 634.444, F.S., which provide exemptions from public records requirements for investigatory records of the department relating to home warranty and service warranty associations; revising the exemptions and saving them from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 914** and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 2273** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

CS for SB 916—A bill to be entitled An act relating to confidentiality of records pertaining to insurance; repealing s. 626.471(5), F.S., which provides exemptions from public records requirements for notices relating to the termination of an appointment of an agent; reenacting and amending s. 626.511, F.S.; restating confidentiality of records relating to the reasons for terminating an appointment of an agent, solicitor, or person in a similar position; providing for open government sunset review; reenacting s. 626.521(4), F.S., which requires credit and character

reports of certain license applicants; reenacting and amending s. 626.521(5), F.S.; restating confidentiality of credit and character reports of certain license applicants; providing for open government sunset review; reenacting and amending s. 626.631(2), F.S.; restating confidentiality of records relating to license and appointment revocation and suspension hearings; providing for open government sunset review; reenacting and amending s. 626.842, F.S.; restating confidentiality of credit and character reports of title insurance agents; providing for open government sunset review; reenacting and amending s. 626.8433, F.S.; restating confidentiality of records relating to the reasons for terminating the appointment of a title insurance agent; providing for open government sunset review; reenacting and amending s. 626.884(2), F.S.; restating confidentiality of trade secrets contained in insurance administrators' books and records; providing for open government sunset review; reenacting and amending s. 626.921, F.S.; deleting provisions for surplus lines examining office; restating confidentiality of filings made by surplus lines agents; providing for open government sunset review and repeal; reenacting and amending s. 626.989(5), F.S.; restating confidentiality of records relating to insurance fraud investigations; providing for open government sunset review; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for SB 916** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Grant, by two-thirds vote—

HB 2287—A bill to be entitled An act relating to the confidentiality of information pertaining to insurance companies; amending s. 625.121, F.S., which provides an exemption from public records requirements for memoranda supporting actuarial opinions; revising the exemption and saving it from repeal; amending ss. 631.398, 631.62, and 631.723, F.S., which provide exemptions from public records requirements for certain information relating to the insolvency or impairment of insurance companies; revising the exemptions and saving them from repeal; amending s. 631.724, F.S., which provides exemptions from public records and public meeting requirements for certain records and meetings of the Florida Life and Health Insurance Guaranty Association; revising the exemptions and saving them from repeal; providing for future review and repeal; repealing s. 631.398(2)(b), F.S., which requires the Department of Insurance to furnish certain early warning tests to insurance guaranty associations and provides for confidentiality; providing an effective date.

—a companion measure, was substituted for **CS for SB's 990 and 1076** and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 2287** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1070—A bill to be entitled An act relating to confidentiality of information pertaining to health maintenance organizations; reenacting and amending s. 641.515(2), F.S.; restating the confidentiality of records relating to examinations of health care services; providing for open government sunset review; reenacting and amending s. 641.55(5), (6), (8), F.S.; restating the confidentiality of records relating to internal risk management programs of health maintenance organizations; providing for open government sunset review; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for SB 1070** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

On motions by Senator Grant, by two-thirds vote—

HB 2307—A bill to be entitled An act relating to confidentiality of information relating to bail bondsmen; amending s. 648.26, F.S.; revising provisions which specify that investigatory records of the Department of Insurance are not subject to subpoena, to provide that such records are confidential and exempt from s. 119.07(1), F.S.; amending s. 648.266, F.S., which provides an exemption from public records requirements for

information relating to pretrial release obtained by the Bail Bond Advisory Council; amending ss. 648.34, 648.37, 648.39, and 648.41, F.S.; revising provisions which specify that character and credit reports regarding bail bondsmen and runners and information relating to termination of appointment of such persons is privileged and inadmissible as evidence, to provide that such information is confidential and exempt from s. 119.07(1), F.S.; amending s. 648.46, F.S.; revising an exemption from public records requirements for information relating to department investigations of licensees; saving the exemptions from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 1072** and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 2307** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1082—A bill to be entitled An act relating to confidentiality of information pertaining to regulation of insurance; amending s. 627.091, F.S.; deleting certain references; amending s. 627.101, F.S.; deleting certain time limits for information to be available for public inspection; amending s. 627.111, F.S.; deleting certain references; reenacting and amending ss. 627.351(4)(g), 627.371(2), 627.4106(8)(c), 627.736(9)(a), 627.912(2)(e), 627.9122(2)(e), 627.9126(3)(a), F.S.; continuing the exemptions from the Open Government Sunset Review Act for certain information provided to and certain records obtained by the Department of Insurance; amending s. 629.401, F.S.; deleting department's authority to withhold certain reports; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for SB 1082** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **SB 1750** was deferred.

On motion by Senator Turner, by two-thirds vote **HB 611** was withdrawn from the Committee on Education.

On motion by Senator Turner—

HB 611—A bill to be entitled An act relating to postsecondary education; amending s. 240.498, F.S.; changing the name of the Florida Endowment Fund for Higher Education; amending s. 246.041, F.S.; conforming language; providing an effective date.

—a companion measure, was substituted for **SB 1144** and read the second time by title. On motion by Senator Turner, by two-thirds vote **HB 611** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 450—A bill to be entitled An act relating to uniform traffic control; amending s. 316.2015, F.S.; prohibiting certain minors from riding within the body of a pickup truck or flatbed truck; providing exceptions; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which failed:

Amendment 1—On page 1, line 17, strike "16" and insert: 5

The vote was:

Yeas—15 Nays—19

Reconsideration of Amendment

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1** failed. **Amendment 1** was adopted.

Senator Hargrett moved the following amendment which was adopted:

Amendment 2—On page 2, line 3, after the period (.) insert: *This section does not apply to parades or similar events.*

On motion by Senator Siegel, by two-thirds vote **CS for SB 450** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25 Nays—10

THE PRESIDENT PRESIDING

CS for SB 440—A bill to be entitled An act relating to educational facilities; amending s. 235.014, F.S.; revising functions of the Office of Educational Facilities of the Department of Education relating to request for maintenance of sidewalks and bicycle trails and approval of site purchases; providing for board review and approval; providing duties of the Department of Management Services relating to the Florida School for the Deaf and Blind; amending s. 235.054, F.S.; requiring office approval of certain site purchases and submission of a site-waiver request; amending s. 235.056, F.S.; revising provisions relating to lease and lease-purchase of educational facilities and sites; providing inspection and review requirements; amending s. 235.19, F.S.; providing board duties relating to maintenance of sidewalks and bicycle trails; amending s. 235.26, F.S., relating to the State Uniform Building Code for Public Educational Facilities Construction; exempting the Florida School for the Deaf and the Blind from conformance to the code; clarifying provisions; providing for certain inspections; requiring certain information for office approval; providing for board review and approval; amending s. 235.31, F.S., relating to the awarding of contracts; amending s. 235.41, F.S.; revising provisions relating to the submission and content of the capital outlay budget request; amending s. 235.42, F.S.; revising provisions relating to appropriations to and from the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 230.23, F.S.; providing a duty of school boards relating to full school utilization programs; amending s. 236.25, F.S.; revising provisions relating to use of the district school tax for capital outlay purposes; amending s. 235.211, F.S.; requiring boards to perform certain procedures; amending s. 235.018, F.S.; authorizing certain boards to conduct review, approval, and inspection processes; providing procedures; repealing s. 235.439, F.S., relating to evaluation of full school utilization programs; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for SB 440** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

On motion by Senator Johnson, the rules were waived and **CS for SB 440** was ordered immediately certified to the House.

CS for SB 148—A bill to be entitled An act relating to assault and battery; amending s. 784.07, F.S.; adding parole commissioners and parole examiners of the Parole Commission to the listing of law enforcement officers against whom commission of assault or battery results in a 1-degree upward reclassification of the offense; creating s. 784.075, F.S., relating to battery on a detention or commitment facility staff member; providing definitions; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for SB 148** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB's 256 and 244** was deferred.

SB 498—A bill to be entitled An act relating to revenue from the excise tax on documents; amending s. 201.15, F.S.; providing uses for moneys allocated to the Land Acquisition Trust Fund; providing that funds receiving an allocation of documentary stamp tax revenue must share the cost of collection and enforcement of taxes levied; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Dantzler and adopted:

Amendment 1—On page 2, lines 20 and 21; on page 3, lines 17 and 18; on page 6, lines 19 and 20; and on page 7, lines 15 and 16, strike “, for the period beginning on the most recent July 15th,” and insert: *for the fiscal year*

Amendment 2—On page 2, line 24 and on page 6, line 23, strike “subsections (2) and (3)” and insert: *subsection (2)*

Amendment 3—On page 3, lines 19 and 20 and on page 7, lines 17 and 18, strike “period beginning on the most recent July 15th” and insert: *same fiscal year*

On motion by Senator Dantzler, by two-thirds vote **SB 498** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 24, 1993: CS for SB 336, SB 656, SB 792, CS for SB 1958, CS for SB 1980, SB 84, SB 1810, SB 1634, CS for SB 1506, CS for SB 1552, CS for SB 770, SB 674, CS for SB 282, CS for SB 1212, CS for SB 1680, SB 452, CS for SB 116, CS for SB 272, SB 134, CS for SB 1106, SB 1440, SB 410, SB 1192, SB 1006, CS for SB 598, SB 1394, SB 466, SB 980, CS for SB 1066, SB 1640, SB 1854, SB 710, SB 8, SB 90, CS for CS for SB 162, CS for SB 166, CS for SB 198, CS for SB 302, SB 308, SB 326, CS for SB's 906, 918 and 1078, CS for SB 908, CS for SB 910, CS for SB 912, CS for SB 914, CS for SB 916, CS for SB's 990 and 1076, CS for SB 1070, CS for SB 1072, CS for SB 1082, SB 1750, SB 1144, CS for SB 450, CS for SB 440, CS for SB 148, CS for SB's 256 and 244, SB 498, CS for SB 1554, SB 110, CS for SB 1540, CS for SB 1730, CS for SB 176, CS for SB 1128, CS for SB's 1708 and 1884

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: SB 242 with 1 amendment, CS for SB 1656 with 1 amendment

The Committee on Criminal Justice recommends the following pass: CS for HB 1085, SB 820 with 1 amendment, CS for SB's 904, 1882 and 650 with 3 amendments, SB 1298 with 3 amendments, CS for SB 1528 with 1 amendment, SB 1888

The Committee on Education recommends the following pass: SB 1424, SB 1702 with 1 amendment, SB 2202 with 2 amendments

The Committee on Finance, Taxation and Claims recommends the following pass: SB 128, SB 258 with 1 amendment, SB 416 with 4 amendments, CS for SB 510 with 1 amendment, CS for SB 636 with 1 amendment, CS for SB's 644, 632, 1346 and 1408 with 2 amendments, SB 724 with 2 amendments, SB 832 with 5 amendments, SB 1004 with 1 amendment, CS for SB 1030 with 1 amendment, SB 1086 with 1 amendment, CS for SB 1208 with 1 amendment, SJR 1370, CS for SB 1502 with 2 amendments, SB 1512, SB 1542 with 2 amendments, CS for SB 1818, CS for SB 1898 with 2 amendments, SB 1920, CS for SB 1962, CS for SB 2000, SB 2104 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 1470, CS for SB 1500 with 8 amendments, CS for SB 1658 with 2 amendments, SB 2262 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for HB 707 with 1 amendment, SB 1652

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: CS for SB 1450, CS for SB 1764, CS for SB 2038

The Committee on Rules and Calendar recommends the following pass: SB 634 with 1 amendment, SB 2048

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 534 with 3 amendments, SB 1280 with 1 amendment, SB 1306 with 1 amendment

The bills were referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends the following pass: SB 670 with 2 amendments

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Governmental Operations recommends the following pass: HB 2161

The bill was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1264 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 422 with 1 amendment, SB 1520 with 1 amendment, SB 2108 with 1 amendment

The Special Master on Claims recommends the following pass: CS for HB 55 with 1 amendment, CS for HB 113, CS for HB 163 with 1 amendment, HB 275, CS for HB 279, CS for HB 401 with 1 amendment, HB 403 with 1 amendment, SB 96 with 1 amendment, SB 474, SB 612, SB 768

The Committee on Transportation recommends the following pass: CS for SB 1166 with 37 amendments

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 2184 with 1 amendment

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1796

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1570 with 4 amendments

The bill was referred to the Committee on International Trade, Economic Development and Tourism under the original reference.

The Committee on Community Affairs recommends the following pass: HB 745

The Committee on Health Care recommends the following pass: SB 1846 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 2162

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: SJR 934

The Committee on Finance, Taxation and Claims recommends the following pass: SJR 178, SJR 486, CS for SB 1904 with 5 amendments

The Committee on Governmental Operations recommends the following pass: SB 2148

The Committee on Judiciary recommends the following pass: SCR 240 with 1 amendment

The Committee on Professional Regulation recommends the following pass: SB 742 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2182 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: CS for SB 1166 with 5 amendments

The bills contained in the foregoing reports were referred to the Committee on Transportation under the original reference.

The Committee on Appropriations recommends the following pass: SB 186, CS for SB 510, SB 1204 with 1 amendment, SB 1330, SB 1356, SB 1514, SB 2024 with 1 amendment

The Committee on Commerce recommends the following pass: SB 956

The Committee on Community Affairs recommends the following pass: SB 2060 with 1 amendment

The Committee on Education recommends the following pass: SB 1318 with 1 amendment

The Committee on Finance, Taxation and Claims recommends the following pass: HB 1993, SB 316 with 4 amendments, SB 794 with 2 amendments, CS for SB 884 with 1 amendment, CS for SB 1194 with 1 amendment, SB 1238 with 3 amendments, SB 2214 with 1 amendment

The Committee on Governmental Operations recommends the following pass: CS for SB 546 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: HB 875

The Committee on Health Care recommends the following pass: CS for SB 1426, SB 2084 with 4 amendments

The Committee on Judiciary recommends the following pass: SB 1628, SB 1872

The Committee on Natural Resources and Conservation recommends the following pass: SB 1912 with 2 amendments

The Committee on Rules and Calendar recommends the following pass: HB 1307, HB 1309, HB 1311, HB 1313, HB 1315, HB 1317, HB 1319, HB 1321, HB 1323, HB 1325, HB 1327, HB 1329, HB 1331, HB 1333, HB 1335, HB 2007 with 1 amendment, SJR 88, SJR 142, CS for SB 286 with 1 amendment, SB 848 with 1 amendment, SB 850 with 1 amendment, SB 852 with 1 amendment, SB 854 with 1 amendment, SB 978 with 2 amendments, CS for SB 1278 with 1 amendment, SB 1744, SJR 1850, SJR 1968, SB 2020

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Criminal Justice recommends the following not pass: SB 1790

The Committee on Education recommends the following not pass: SB 492

The Committee on Judiciary recommends the following not pass: CS for SB 1560, SB 1704

The Committee on Natural Resources and Conservation recommends the following not pass: SB 338

The Committee on Personnel, Retirement and Collective Bargaining recommends the following not pass: SB 1960

The Committee on Professional Regulation recommends the following not pass: SB 1544

The bills contained in the foregoing reports were laid on the table.

The Special Master on Claims recommends the following not pass: SB 676

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Commerce recommends committee substitutes for the following: SB 1660, SB 2070

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 10

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2136

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1848

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB's 1052 and 1324

The Committee on Governmental Operations recommends committee substitutes for the following: SB 1098, SB 2120

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 1002, SB 1384, SB 2158

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 2382

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 344, SB 1344, CS for SB 1386

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 1780, SB 1820

The Committee on Professional Regulation recommends committee substitutes for the following: SB 1696, SB 1698

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB's 354 and 1058

The bills with committee substitute attached were referred to the Committee on Commerce under the original reference.

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB's 1434, 348 and 1992

The Committee on Judiciary recommends a committee substitute for the following: SB 1000

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on International Trade, Economic Development and Tourism recommends committee substitutes for the following: SB 1196, SB 2218

The bills with committee substitutes attached were referred to the Committee on Education under the original reference.

The Committee on Commerce recommends committee substitutes for the following: CS for SB 396, SB 1502, SB 1626, SB 1720

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 1180

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 1198, SB 1816

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 700

The Committee on Professional Regulation recommends a committee substitute for the following: SB 994

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: CS for SB 1550

The Committee on Health Care recommends a committee substitute for the following: SB 1844

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 2102

The Committee on Judiciary recommends a committee substitute for the following: SB 1586

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 144, SB 2130

The Committee on Judiciary recommends a committee substitute for the following: SB 744

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 2086

The Committee on Professional Regulation recommends a committee substitute for the following: SB 554

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 1116

The Committee on Health Care recommends a committee substitute for the following: SB 1482

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Executive Business, Ethics and Elections recommends committee substitutes for the following: SB 1498, SB 1668

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1736

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 2150

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: SB 1692

The Committee on Commerce recommends committee substitutes for the following: SB 746, SB 1336, SB 1044

The Committee on Judiciary recommends committee substitutes for the following: SB 736, SB 1256, SB 2082, SB 2096

The Committee on Professional Regulation recommends a committee substitute for the following: SB 1982

The Committee on Transportation recommends a committee substitute for the following: SB 2224

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

BILLS REFERRED TO SUBCOMMITTEE

The following have been referred to the Select Subcommittee on Claims which will report to the full committee within 7 days: Senate Bills 96, 474, 612, 768 and House Bill 163

Curt Kiser, Chairman
Committee on Finance, Taxation and Claims

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Corrections, Probation and Parole; and Senator McKay—

CS for SB 10—A bill to be entitled An act relating to sentencing; requiring courts to inform the parties before the court of laws that may affect a sentence imposed, including the granting of gain-time, provisional release credits, control release, parole, and emergency release; providing that failure to provide such information does not constitute grounds for challenging the validity of the sentence; providing an effective date.

By the Committee on Health Care—

CS for SB 144—A bill to be entitled An act relating to health services; reassigning certain oversight functions from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 400.461, F.S.; amending the short title and

purpose of the "Home Health Services Act"; deleting the statement that the act does not supersede federal law; amending s. 400.462, F.S.; providing definitions; amending s. 400.464, F.S.; revising provisions for licensure of home health agencies; requiring licensure for related offices located outside the county where the main home health agency office is located; providing exemptions; deleting certain provisions relating to dialysis equipment and supplies; deleting certain obsolete provisions relating to providers of infusion therapy; providing unlawful acts; providing for injunctive proceedings; deleting criminal offense and penalty; amending s. 400.471, F.S.; revising requirements for licensure application; providing a fee; requiring proof of financial ability and providing for demonstration of financial ability; requiring a minimum amount of liability insurance; providing procedures for licensure relating to a change of ownership; requiring display of a license; providing restrictions; providing for a provisional license and a temporary permit when certain legal actions are pending; correcting a cross-reference; amending s. 400.474, F.S.; adding certain grounds for administrative action; transferring, renumbering, and amending s. 400.478, F.S.; amending provisions for a certificate of registration for certain exempt providers; amending provisions for the regulation of registrants; transferring, renumbering, and amending s. 400.481, F.S.; revising provisions authorizing injunctions; amending s. 400.484, F.S.; revising provisions relating to the right of inspection; adding clarifying language; amending s. 400.487, F.S.; amending provisions relating to establishing and reviewing plans of care; providing for patient assessment within 48 hours of the start of services; requiring review of the plan of care and the home evaluation of the delivery of services at least every 62 days; providing requirements relating to the provision of services by a home health agency; deleting the requirement of prior physician notification that a patient has requested a copy of his plan of treatment; amending s. 400.491, F.S.; amending provisions relating to clinical records; requiring retention of patient records for 5 years and providing for copies of records; amending s. 400.495, F.S.; requiring the Agency for Health Care Administration to adopt rules regarding notification to home health agencies and nurse registries of a change in the toll-free telephone number of the central-abuse registry and rules that provide for due process for home health agency personnel and nurse registry personnel who are reported to the registry; amending s. 400.497, F.S.; amending provisions relating to rules establishing minimum standards for home health agency personnel; specifying content of rules; deleting transferred provisions relating to screening such personnel; amending s. 400.506, F.S.; amending provisions for the licensure of nurse registries; raising the maximum nurse registry licensure fee; providing for temporary licenses, rather than conditional licenses, in specified circumstances; providing that certain acts constitute the unauthorized practice of medicine or violate the Nurse Practice Act; providing penalties; conforming cross-references; creating s. 400.512, F.S.; providing for screening of home health personnel, sitters, companions, homemakers, and persons referred by nurse registries; providing procedures; providing penalties; amending ss. 415.107, 415.51, F.S.; conforming statutory references; creating s. 400.518, F.S.; requiring certain physicians to comply with s. 455.236, F.S.; prohibiting hospitals and ambulatory surgical centers from encouraging referrals to a home health agency in which they have a financial interest, providing penalties; amending ss. 408.034, 408.036, F.S.; removing home health agencies from certificate-of-need requirements effective July 1, 1995; correcting cross-references; providing for legislative review of the repeal of certain requirements relating to certificate of need prior to July 1, 1995; repealing s. 400.467, F.S., relating to licensure; repealing s. 400.477, F.S., relating to license expiration and renewal; repealing s. 400.479, F.S., relating to the disposition of fees; repealing s. 400.501, F.S., relating to prohibited acts; repealing s. 408.032(10), F.S., relating to defining the term "home health agency" for purposes of certificate-of-need requirements; reviving and readopting ss. 400.461, 400.462, 400.464, 400.471, 400.474, 400.478, 400.481, 400.484, 400.487, 400.491, 400.494, 400.495, 400.497, 400.506, F.S.; providing an effective date.

By the Committees on Judiciary; Health and Rehabilitative Services; and Senators McKay, Williams, Kirkpatrick and Harden—

CS for CS for SB 344—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for child support in accordance with the child support guidelines; providing for apportionment of the costs of health insurance for the minor child; creating s. 61.13015, F.S.; providing for a petition to suspend or deny a professional license or certificate for delinquent child support obligations; amending s. 61.14, F.S.; providing for interest with respect to judgments for child support; providing for equal effect of settlements and court orders on subsequent

modifications; amending s. 61.16, F.S.; authorizing the assessment of certain fees against the Department of Health and Rehabilitative Services; amending s. 61.30, F.S.; providing for modifications to the child support guidelines; amending s. 48.031, F.S.; requiring employers to allow access for service of process; creating s. 231.097, F.S.; providing for the denial of teaching certificates for child support delinquencies; amending s. 231.28, F.S.; providing for the suspension of teaching certificates for child support delinquency; providing for reinstatement; limiting liability; creating s. 409.2598, F.S.; providing for the suspension or denial of professional licenses or certifications for child support delinquencies; amending s. 455.203, F.S.; providing for the suspension or denial of professional licenses for child support delinquencies; limiting liability; amending s. 559.79, F.S.; providing for the suspension or denial of licenses for child support delinquencies; limiting liability; creating s. 322.058, F.S.; providing for the suspension of driver licenses and vehicle registration for child support delinquencies; providing for notice; limiting liability; providing for return and seizure of a suspended driver's license and registration and of a registration plate; amending s. 61.181, F.S.; extending the period during which an increased fee for receiving, recording, reporting, disbursing, monitoring, and handling child support payments is to be collected; requiring compliance audits; requesting the Florida Supreme Court to adopt an amendment to the rules regulating The Florida Bar to discipline attorneys who are delinquent or fail to pay child support; amending ss. 409.2567, 742.045, and 742.08, F.S.; providing that any costs in Title IV-D cases incurred by the clerk of the circuit court shall be assessed only against the nonprevailing obligor; amending s. 742.10, F.S.; revising language with respect to the establishment of paternity for children born out of wedlock; amending s. 733.707, F.S.; providing for the payment of arrearages from court-ordered child support by the personal representative; amending s. 61.1301, F.S.; revising language with respect to income deduction orders; requiring a report to the Governor and the Legislature; providing an effective date.

By the Committee on Judiciary and Senators Sullivan and Gutman—

CS for SB's 354 and 1058—A bill to be entitled An act relating to rate of interest; amending s. 55.03, F.S.; providing rate of interest for certain judgments and decrees; reenacting ss. 68.065(2), 100.011(4)(b), 218.335, 376.121(11)(c), 409.2584, 517.211(1), 602.065(5)(b), 715.12(5)(a), 960.17(4), relating to worthless checks, elections expenses, units of local government, damage to natural resources, support obligations, unlawful sale, citrus canker claims, construction contracts, and victim awards, to incorporate these amendments in references thereto; creating ss. 55.032, F.S.; providing for the imposition of prejudgment interest; providing an effective date.

By the Committees on Commerce and Professional Regulation and Senator Grant—

CS for CS for SB 396—A bill to be entitled An act relating to funeral, cemetery, and crematory services; merging chapter 470, F.S., relating to funeral directors, embalmers, and direct disposition, and chapter 639, F.S., relating to preneed funeral contracts, into chapter 497, F.S., relating to cemeteries, and placing them under the jurisdiction of the Department of Banking and Finance; creating s. 497.101, F.S.; providing a short title; amending and renumbering s. 470.001, F.S.; expanding legislative findings and intent; amending and renumbering s. 470.002, F.S.; revising and providing definitions; amending and renumbering s. 470.003, F.S.; renaming the Board of Funeral Directors and Embalmers as the Board of Funeral and Cemetery Services; providing qualifications for membership on the board; amending and renumbering s. 470.005, F.S.; providing rulemaking authority of the board and department; creating s. 497.111, F.S.; providing legislative intent with respect to the professions and occupations regulated by the department under the chapter; creating s. 497.113, F.S.; providing general powers and duties of the department with respect to such regulation; creating s. 497.115, F.S.; providing that the board may be contacted through the headquarters of the department in Tallahassee; creating s. 497.117, F.S.; providing for officers, meetings, official business, and compensation of the board; creating s. 497.119, F.S., authorizing the board and department to publish an advisory newsletter; creating s. 497.121, F.S.; providing accountability and liability of board members; creating s. 497.123, F.S.; providing for board rules, final agency action, and challenges; creating s. 497.125, F.S.; providing general licensing provisions; creating s. 497.127, F.S.; providing

general provisions relating to the procurement, administration, security, and recordkeeping requirements of examinations; providing exemptions from public records requirements relating to examination results and meetings held to create or review examination questions; providing for future review and repeal; creating s. 497.129, F.S.; prohibiting theft or reproduction of examinations and providing a penalty therefor; creating s. 497.131, F.S.; providing general requirements with respect to fees, receipts, disposition of such funds, and periodic management reports; creating s. 497.133, F.S.; providing for legal and investigative services, including duties of the Department of Legal Affairs with respect thereto; creating s. 497.135, F.S.; providing a mediation process applicable to certain violations of the chapter; creating s. 497.137, F.S.; providing for the issuance of citations applicable to certain violations of the chapter; creating s. 497.139, F.S.; providing powers to administer oaths and issue subpoenas; creating s. 497.141, F.S.; providing for the admission of financial examiners' worksheets, investigative reports, and other related documents as evidence under certain circumstances; creating s. 497.143, F.S.; providing for injunction; creating s. 497.145, F.S.; providing for cease and desist orders, civil penalties, and enforcement; creating s. 497.147, F.S.; providing disciplinary proceedings; providing exemptions from public records and public meetings requirements relating to probable cause investigations; providing for future review and repeal; creating s. 497.149, F.S.; providing disciplinary guidelines; creating s. 497.151, F.S.; prohibiting the giving of false information, misleading statements, or knowing misrepresentations relating to obtaining or attempting to obtain licensure under the chapter; providing a penalty; creating s. 497.153, F.S.; providing public access to records required by the department; providing exemptions from public records requirements relating to financial information, examination questions, answers, papers, grades, and grading keys, and challenged examination questions and answers; providing for future review and repeal; creating s. 497.155, F.S.; prohibiting the disclosure of confidential information; providing a penalty; amending and renumbering s. 470.006, F.S., relating to licensure as an embalmer by examination; revising examination and application fees; requiring submission of proof of completion of a board-approved course on communicable disease as a prerequisite to taking the examination; providing for provisional licensure under certain circumstances; amending and renumbering s. 470.007, F.S., relating to licensure as an embalmer by endorsement; revising examination and application fees; requiring submission of proof of completion of a board-approved course on communicable disease as a prerequisite to licensure by endorsement; authorizing renewal of temporary registration one time; amending and renumbering s. 470.008, F.S.; correcting a cross reference; renumbering s. 470.0085, F.S., relating to the embalmer apprentice program; creating s. 497.208, F.S.; describing the functions that constitute the practice of funeral directing; amending and renumbering s. 470.009, F.S.; revising requirements for licensure as a funeral director by examination; revising examination and application fees; requiring submission of proof of completion of a board-approved course on communicable diseases as a prerequisite to taking the examination; providing for provisional licensure under certain circumstances; amending and renumbering s. 470.011, F.S., relating to licensure as a funeral director by endorsement; revising examination and application fees; requiring submission of proof of completion of a board-approved course on communicable diseases as a prerequisite to licensure by endorsement; authorizing renewal of temporary registration one time; amending and renumbering ss. 470.012 and 470.013, F.S.; providing editorial changes; amending and renumbering s. 470.014, F.S.; amending and renumbering s. 470.015, F.S.; authorizing the board to prescribe by rule certain continuing education requirements for renewal of license of a funeral director or embalmer; amending and renumbering s. 470.016, F.S.; requiring a board-approved course on communicable diseases in addition to other continuing education requirements for reactivation of an inactive license; providing for automatic expiration of any license not renewed or reactivated after one renewal cycle; requiring certain fees for reactivation; creating s. 497.222, F.S.; prescribing authorized duties of direct disposers; amending and renumbering s. 470.017, F.S., relating to registration as a direct disposer; revising registration and application fees; requiring applicants to have completed a course on communicable diseases and a college credit course on state mortuary law; requiring registrations to have a recent photograph of the registrant; providing for the registration of certain applicants who are not high school graduates; amending and renumbering s. 470.018, F.S.; requiring the board to prescribe by rule continuing education requirements, including a board-approved course on communicable diseases, for renewal of registration as a direct disposer; amending and renumbering s. 470.019, F.S.; including a ground for disciplinary action against a direct disposer or direct disposal establishment relating to discipline by other jurisdictions for viola-

tions relating to the disposition of dead human bodies; creating s. 497.228, F.S.; providing for health and safety education; amending and renumbering s. 470.021, F.S., relating to standards, location, and registration of direct disposal establishments; revising registration and inspection fees; eliminating the prohibition against reinspection fees; providing for automatic expiration of registration under certain circumstances; requiring applicants to identify persons having ability to direct the management or policies of the establishment and persons having a specified ownership interest in the establishment; authorizing the board to deny, suspend, or revoke a registration based on the histories of person identified in the application; requiring certain display of the establishment name and the name of the direct disposer in charge; restricting the direct disposer in charge to one establishment; requiring prior notification to the board of any change in ownership, name, or direct disposer in charge; requiring a direct disposer in charge and providing the requirements thereof; requiring the establishment to transact its business under the name by which it is registered; creating s. 497.230, F.S.; providing for regulation of removal services, refrigeration facilities, and centralized embalming facilities; renumbering s. 470.022, F.S.; relating to direct disposing; amending and renumbering s. 470.023, F.S., relating to the penalty for the practice of direct disposition without registration; providing editorial changes; amending and renumbering s. 470.024, F.S., relating to licensure as a funeral establishment; prescribing additional requirements for funeral establishments; revising licensure and inspection fees; providing for automatic expiration of license under certain circumstances; eliminating the prohibition against reinspection fees; requiring applicants to identify persons having ability to direct the management or policies of the establishment and persons having a specified ownership interest in the establishment; authorizing the board to deny, suspend, or revoke a registration based on the histories of persons identified in the application; requiring certain display of the establishment name and of the funeral director in charge; restricting the funeral director in charge to one establishment; amending and renumbering s. 470.025, F.S., relating to licensure as a cinerator facility; revising licensure and inspection fees; eliminating the prohibition against reinspection fees; requiring the board to establish by rule standards for cinerator facilities; expanding the contents of reports to the department; expanding facility inspection authorities to include the Department of Environmental Regulation; requiring applicants to identify persons having ability to direct the management or policies of the establishment and persons having a specified ownership interest in the facility; authorizing the board to deny, suspend, or revoke a license based on the histories of persons identified in the application; requiring certain display of the facility name and of the direct disposer in charge; requiring the facility to transact business in the name by which it is licensed; amending and renumbering s. 470.0255, F.S.; providing a time within which cremation must be performed; amending and renumbering s. 470.026, F.S.; transferring from the department to the board rulemaking and regulation of solicitation of goods and services; prohibiting at-need solicitation of burial rights, merchandise, and services; amending and renumbering s. 470.029, F.S.; requiring the reporting of cases embalmed and bodies handled directly to the department and eliminating the local registrar of vital statistics as an intermediary; amending and renumbering s. 470.031, F.S., relating to prohibitions and penalties; providing editorial changes; amending and renumbering s. 470.036, F.S., relating to disciplinary proceedings; revising and providing grounds for disciplinary action, including having been disciplined in another jurisdiction for a violation relating to the disposition of dead human bodies; authorizing assessment of costs associated with investigation and prosecution; providing that license revocation is permanent; creating s. 497.243, F.S.; providing for cash advance and escrow refund accounts for funeral establishments; amending and renumbering s. 470.038, F.S., relating to reciprocity; revising terminology; amending and renumbering s. 470.039, F.S., relating to exceptions to regulation; providing editorial changes; amending and renumbering s. 470.0395, F.S.; updating saving clauses; amending and renumbering s. 497.003, F.S.; eliminating the exemption from regulation of certain cemeteries owned or operated by churches; exempting certain family cemeteries and certain mausoleums; applying to all cemeteries laws relating to solicitation of goods and services, illegal tying arrangements, and abandoned cemeteries; requiring certain exempt cemeteries to submit to investigation and mediation by the department; amending and renumbering s. 497.006, F.S., relating to licensure as a cemetery company; requiring applicants to provide information necessary to determine eligibility; requiring a financial statement attesting to a specified minimum net worth; raising the minimum amount care and maintenance trust funds must contain; revising the requirements of savings and loan associations certifying care and maintenance trust funds; amending and renumbering s. 497.007, F.S.; revising require-

ments relating to the purchase or acquisition of control of an existing cemetery; requiring a financial statement attesting to a specified minimum net worth; amending and renumbering s. 497.008, F.S.; revising provisions relating to change of control of an existing cemetery company; requiring a financial statement attesting to a specified minimum net worth; requiring an investigation rather than an initial filing fee; amending and renumbering s. 497.009, F.S., relating to annual license fees; increasing the late renewal fee and providing for timely submission of renewal applications and fees; amending and renumbering s. 497.021, F.S., relating to care and maintenance trust funds; revising provisions relating to the entities with which such trust funds may be established; providing requirements and investment restrictions of trustees; amending and renumbering s. 497.023, F.S.; deleting reference to monument maintenance fees; raising the minimum amount per grave space required to be deposited in a care and maintenance trust fund; revising deposit requirements for cemeteries losing their exempt status; eliminating a provision relating to minimum deposits in new trust funds; amending and renumbering s. 497.025, F.S., relating to liability; amending and renumbering s. 497.029, F.S.; revising deposit requirements of preconstruction trust funds to conform to other cemetery trust funds; amending and renumbering s. 497.031, F.S.; eliminating a penalty applicable to failure to display the cemetery license; amending and renumbering s. 497.033, F.S.; requiring preneed burial contracts to disclose certain information relating to the opening and closing of a burial space; requiring cemeteries offering preneed contracts to offer opening and closing of the burial space as part of the contract; amending and renumbering s. 497.035, F.S.; authorizing cemetery companies to keep financial records at a location other than the principal place of business; authorizing the board to prescribe the minimum information required to be kept; creating s. 497.331, F.S.; authorizing charges for opening and closing a grave, transferring burial rights, certain taxes, credit life and disability insurance, and interest on unpaid balances; amending and renumbering s. 497.041, F.S.; prohibiting cemetery companies from requiring monument dealers to obtain insurance, bond, or surety as a condition of access to the cemetery; eliminating monument maintenance fees; deleting a provision authorizing a cemetery company to charge a fee for marking the grave and inspecting a monument not installed by the cemetery company or its agents; amending and renumbering s. 497.044, F.S., relating to illegal tying arrangements; eliminating a cemetery company's right to require monument dealers to maintain certain insurance; creating s. 497.337, F.S.; requiring registration of brokers of burial rights; amending and renumbering s. 497.048, F.S.; prohibiting the sale of personal property and services by a cemetery company under certain circumstances; amending and renumbering s. 497.0484, F.S., relating to alternatives to deposits in a merchandise trust fund; transferring regulation from the department to the board; amending and renumbering s. 497.049, F.S., relating to proof of compliance with law applicable to existing merchandise trust funds, to conform; amending and renumbering s. 497.054, F.S., relating to penalties; amending and renumbering s. 497.056, F.S., relating to civil remedies; revising terminology; creating s. 497.515, F.S.; providing additional prohibited acts; amending and renumbering s. 497.057, F.S., relating to attorney's fees; amending and renumbering s. 497.061, F.S., relating to burial without regard to race or color; providing editorial changes; amending and renumbering s. 497.071, F.S., relating to abandoned cemeteries; providing editorial changes; creating s. 497.345, F.S.; providing procedures applicable to inactive cemeteries; amending and renumbering s. 497.091, F.S.; conforming terminology and correcting cross references; creating s. 497.349, F.S.; providing for registration of exempt cemeteries; creating s. 497.351, F.S.; providing for registration of monument establishments; amending and renumbering s. 639.085, F.S.; including preneed burial merchandise and service contracts under regulation of the chapter; amending and renumbering s. 639.087, F.S., relating to insurance business not authorized, to conform; amending and renumbering s. 639.09, F.S., relating to certificate of authority required, to include reference to cemeteries; amending and renumbering s. 639.10, F.S.; transferring from the department to the board rule and regulatory authority relating to certificates of authority; revising certification fees; revising the payee and depository of fees and other funds; amending and renumbering s. 639.105, F.S., relating to approval of forms; transferring responsibilities from the department to the board; amending and renumbering s. 639.107, F.S., relating to nonconforming contracts; correcting cross references; amending and renumbering s. 639.108, F.S., relating to the Preneed Funeral Contract Consumer Protection Trust Fund; transferring authority over the administration and regulation of the trust fund to the board; amending and renumbering s. 639.11, F.S., relating to disposition of proceeds received on preneed funeral and burial contracts; revising the amounts required to be deposited based on the merchandise or service sold or

rented; providing for the holding of deposited funds in trust; providing for transfer of merchandise and burial rights; amending and renumbering s. 639.13, F.S.; revising provisions relating to cancellation of or default on preneed contracts; amending and renumbering s. 639.14, F.S.; relating to payment of funds upon death of named beneficiary; amending and renumbering s. 639.145, F.S., relating to evidence of financial responsibility as alternative to trust deposit; transferring from the department to the board such regulatory responsibility; amending and renumbering s. 639.149, F.S., relating to alternative preneed contracts; making the board the responsible regulatory party; amending and renumbering s. 639.15, F.S., relating to examinations and investigations; making the board the responsible regulatory party; authorizing the department to charge an examination fee and certain travel expenses; amending and renumbering s. 639.16, F.S., relating to grounds for discipline; making the board the responsible regulatory party; removing the requirement that certain violations be willful; amending and renumbering s. 639.162, F.S., relating to administrative fine in lieu of revocation or suspension of certificate of authority; making the board the responsible regulatory party; changing the fine depository; amending and renumbering s. 639.165, F.S., relating to dissolution or liquidation; making the board the responsible regulatory party; creating s. 497.439, F.S.; providing for registration of preneed sales agents; amending and renumbering s. 639.21, F.S., relating to acceptability of funeral and burial merchandise; amending and renumbering s. 639.22, F.S., relating to unfair methods of competition and unfair or deceptive acts or practices prohibited; amending and renumbering s. 639.23, F.S., relating to unfair methods of competition and unfair or deceptive acts or practices defined; amending and renumbering s. 639.25, F.S., relating to hearings, witnesses, appearances, production of books, and service of process relating to unfair methods of competition or unfair or deceptive acts or practices; making the board the responsible regulatory party; amending and renumbering s. 639.30, F.S., relating to civil liability; providing editorial changes; amending ss. 245.07, 381.0098, 382.002, 403.703, 406.02, 455.2226, 501.022, 624.01, 626.785, 628.4615, and 732.919, F.S.; correcting cross references; repealing s. 20.30(4)(h), F.S., relating to the Board of Funeral Directors and Embalmers; repealing ss. 470.027, 470.028, 497.001, 497.002, 497.004, 497.005, 497.011, 497.012, 497.014, 497.015, 497.016, 497.018, 497.026, 497.043, 497.0435, 497.046, 639.055, 639.07, 639.08, 639.106, 639.17, 639.185, 639.20, 639.24, 639.26, 639.27, 639.28, 639.29, and 639.33, F.S., relating to various aspects of funeral, cemetery, and crematory regulation rendered redundant or unnecessary by the other provisions of this act; repealing s. 501.604(16), F.S., relating to exemptions to the Florida Telemarketing Act; repealing s. 624.523(1)(m), F.S., relating to the Insurance Commissioner's Regulatory Trust Fund; transferring the Board of Funeral Directors and Embalmers to the Department of Banking and Finance; providing for termination of present terms on the board; providing for appointment of new members and for qualifications and terms thereof; continuing the validity of licenses, registrations, and certificates of authority issued under chapters 470, 497, and 639, F.S.; providing for transfer of funds in the Preneed Funeral Contract Consumer Protection Fund to the Division of Finance of the Department of Banking and Finance; preserving the validity of any judicial or administrative proceedings pending on the effective date of the act and substituting the Department of Banking and Finance as a party in interest, if applicable; saving chapters 470, 497, and 639, F.S., from Sunset repeal; providing effective dates.

By the Committee on Professional Regulation and Senators Meadows and Forman—

CS for SB 554—A bill to be entitled An act relating to the Patient Self-Referral Act of 1992; amending s. 455.236, F.S.; including pharmaceutical services as designated health services; including additional plans of care which do not constitute a referral; exempting certain facilities that provide diagnostic imaging services from the provisions of ch. 92-178, Laws of Florida; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Silver—

CS for SB 700—A bill to be entitled An act relating to financial matters; amending s. 215.444, F.S.; providing for additional members on the Investment Advisory Council, who shall represent public employees; providing an effective date.

By the Committee on Judiciary and Senator Silver—

CS for SB 736—A bill to be entitled An act relating to the Florida Residential Landlord and Tenant Act; amending s. 83.43, F.S.; defining the term “legal holidays”; amending s. 83.46, F.S.; revising language with respect to duration of tenancies; amending s. 83.49, F.S.; revising language with respect to deposit money or advance rent; providing for the effect of compliance; amending s. 83.51, F.S.; revising language with respect to the landlord’s duty to maintain the premises; providing exceptions; amending s. 83.53, F.S.; defining the term “reasonable notice” with respect to the landlord’s access to the dwelling unit; amending s. 83.535, F.S.; requiring tenants to carry flotation insurance under certain circumstances; amending s. 83.56, F.S.; revising language with respect to termination of the rental agreement; providing an exception; amending s. 83.60, F.S.; revising language with respect to notice concerning defenses to an action for rent or possession; providing an exception; creating s. 83.681, F.S.; providing for orders to enjoin violations of the Florida Residential Landlord and Tenant Act; amending s. 34.011, F.S.; authorizing county courts to issue injunctions with respect to the act; providing an effective date.

By the Committee on Judiciary and Senators Wexler and Grogan—

CS for SB 744—A bill to be entitled An act relating to the State of Florida Guardian Ad Litem Program; amending ss. 61.402 and 415.503, F.S.; requiring a security background investigation of certified guardians ad litem; providing an appropriation; providing an effective date.

By the Committee on Commerce and Senator Holzendorf—

CS for SB 746—A bill to be entitled An act relating to insurance; amending s. 627.848, F.S.; providing attorney’s fees in certain actions; providing an effective date.

By the Committee on Professional Regulation and Senator Casas—

CS for SB 994—A bill to be entitled An act relating to debt collection agencies; creating a new part V of ch. 559, F.S.; creating the Florida Commercial Collection Practices Act; providing legislative intent; providing definitions; requiring commercial collection agencies to be registered by the Department of Banking and Finance; providing exemptions; providing procedures for registration; providing for fees; requiring a surety bond; providing for evidence of bond; providing for void registration; providing penalties; providing for future review and repeal; providing an appropriation; amending s. 559.55, F.S.; revising definitions; creating ss. 559.551, 559.552, 559.553, 559.555, 559.563, 559.725, 559.730, 559.785, F.S.; creating the Florida Consumer Collection Practices Act; providing for the relationship of state and federal law; requiring consumer collection agencies to be registered by the Department of Banking and Finance; providing exemptions; providing procedures and fees for registration; providing for void registration; providing for enforcement action against certain debt collection; amending ss. 559.715, 559.72, 559.77, 559.78, F.S.; providing for consumer complaints and administrative duties; providing for administrative remedies; providing penalties; providing for judicial enforcement; providing for review and repeal; providing an appropriation; providing an effective date.

By the Committee on Judiciary and Senators Myers, Thomas, Kirkpatrick, Childers, Grant, Beard, Williams, Dudley, McKay, Foley, Johnson, Meadows and Jennings—

CS for SB 1000—A bill to be entitled An act relating to private property rights; requiring the Advisory Council on Intergovernmental Relations to study the economic effects that government regulation has upon private property; requiring the council to report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Bankhead—

CS for SB 1002—A bill to be entitled An act relating to maternal and child health care; amending s. 383.011, F.S.; requiring the Department of Health and Rehabilitative Services to develop a substance abuse intervention component of the Healthy Start Care Coordination Program; specifying services to be provided as a part of substance abuse intervention; providing for services to be provided to pregnant and postpartum women; requiring the department to expunge the child abuse record of a substance-exposed child whose mother participates in substance abuse treatment and complies with specified requirements; amending s. 415.503, F.S.; revising the definition of the term “harm” for purposes of ss. 415.502-415.514, F.S., relating to child abuse, neglect, and exploitation; amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate, to conform; amending s. 415.505, F.S.; exempting women who are complying with the requirements of the substance abuse intervention component of the Healthy Start Care Coordination Program from criminal prosecution by the state attorney and law enforcement agencies, and reenacting s. 415.506, F.S., relating to taking a child into protective custody, to incorporate said amendment in a reference thereto; providing an effective date.

By the Committee on Commerce and Senator Williams—

CS for SB 1044—A bill to be entitled An act relating to insurance rates; amending s. 627.062, F.S.; providing that certain insurers that make a “use and file” rate filing are not subject to certain refund provisions; providing criteria for holding a rate excessive; authorizing the Department of Insurance to adopt rules for determining when price competition is sufficient; creating s. 627.0662, F.S.; exempting certain insurers from excess profit provisions; creating a special trust account for limited apportionment companies; amending s. 627.736, F.S.; requiring personal injury protection claims to be filed within a specified time after treatment arising out of a covered accident; allowing insurers to limit payment of medical benefits to services provided by exclusive health care providers; requiring an appropriate discount for such a policy; prohibiting insurers providing coverage under a personal protection policy subject to an exclusive provider provision from requiring a compulsory physical examination; prohibiting withholding or limiting payment by an insurer; providing for payment by insurers for treatment by nonexclusive providers; requiring insurers to inform purchasers of limitations of benefits and providing for required information and general format of forms given insureds; providing for repeal and review; amending s. 627.7283, F.S.; providing for the return of unearned premiums within a specified time after the effective date of cancellation; amending s. 628.531, F.S.; providing for the conversion of group-self-insurer’s funds to mutual insurers; amending s. 627.848, F.S.; providing for cancellation of an insurance contract regardless of whether a premium finance company has complied with notice requirements; providing for a cause of action against the premium finance company for failing to provide notice; creating s. 628.531, F.S.; providing for conversion of a group self-insurer’s fund to a domestic mutual insurer; amending s. 631.713, F.S.; exempting certain policies and contracts from provisions of part III of ch. 631, F.S., relating to life and health insurance guaranty of payments; amending s. 631.718, F.S.; providing for payment of certain costs from an annuities account; amending s. 631.718, F.S.; prescribing the manner of calculating assessments; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senators Jennings and Kiser—

CS for SB’s 1052 and 1324—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.011, F.S.; requiring governmental bodies, governmental agencies, and the Governor to notify property appraisers of limitations, regulations, or moratoriums affecting property; amending s. 193.114, F.S.; requiring the property appraiser to include on the real property assessment roll a market area code and, under certain circumstances, a neighborhood code; amending s. 193.1142, F.S.; providing that, for a limited time, the executive director of the department may issue an administrative order in lieu of disapproving an assessment roll; amending s. 195.022, F.S.; revising requirements relating to use of forms by county officers other than forms prescribed by the Department of

Revenue; amending s. 195.096, F.S.; revising requirements for the review of assessment rolls by the Division of Ad Valorem Tax of the Department of Revenue; revising certain classifications of property for purposes of review by the Division of Ad Valorem Tax; revising requirements for the division in conducting assessment ratio studies; creating s. 195.0995, F.S.; providing for review of the sales transactions information by the department; providing for disapproval of the assessment roll for purposes of the performance review if the sales transactions information does not comply with department rule; amending ss. 196.012, 196.031, F.S.; requiring that title to homestead property be recorded in the official county records; amending the definition of cooperative corporation to include mobile home; amending s. 196.151, F.S.; providing for appeals of tax exemptions to the value adjustment board; amending s. 197.254, F.S.; revising the form of the notice to taxpayers of the right to defer payment of taxes and non-ad valorem assessments; amending s. 197.343, F.S.; revising requirements relating to mailing of the notice of delinquent taxes on subsurface rights; amending s. 197.502, F.S.; authorizing a tax deed application fee for the tax collector; amending s. 200.065, F.S.; authorizing area-specific information in advertisements for fixing millage; authorizing the department to conduct a review of the assessment of certain classes of property; providing an effective date.

By the Committee on Governmental Operations and Senators Jones, Sullivan and Boczar—

CS for SB 1098—A bill to be entitled An act relating to the management of governmental information; creating s. 216.235, F.S.; providing for the Innovation Investment Loan Program; providing definitions; providing legislative intent; providing criteria for application of loans; providing for the method of repayment of loans; providing for the review and approval of loans; providing for the distribution of funds; amending s. 282.303, F.S.; defining "process re-engineering"; amending s. 282.103, F.S.; correcting a reference; amending s. 282.305, F.S.; expanding the responsibilities of the Information Resource Commission and Board of Regents; providing for assistance by the Department of Management Services; amending s. 282.307, F.S.; including process re-engineering objectives and anticipated project outcomes in the Strategic Plan for Information Resources Management; amending s. 282.312, F.S.; revising requirements for Annual Performance Reports and including major findings of performance reviews and audits and customer satisfaction survey results in the reports; providing for electronic submission of the reports; providing an effective date.

By the Committee on Commerce and Senator Brown-Waite—

CS for SB 1116—A bill to be entitled An act relating to insurance; amending s. 627.4137, F.S.; authorizing certain enforcement actions to compel production of certain information under certain circumstances; providing an entitlement to injunctive relief under certain circumstances; providing for recovery of economic damages and reasonable costs and attorney's fees; amending s. 627.728, F.S.; requiring advance notice of certain renewal premiums; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Kurth—

CS for SB 1180—A bill to be entitled An act relating to the Spaceport Florida Authority; creating s. 331.3075, F.S.; providing for the certification of space activities facilities; providing definitions; providing that the purpose of the program is to provide funding to the Spaceport Florida Authority to help it carry out its statutory duties and provide services required by space-related businesses in this state; providing for administration of the certification program by the Department of Commerce; providing certain requirements for certification; providing rulemaking authority to the department; providing for notification of certification to the Department of Revenue for sales tax distribution purposes; granting the Department of Revenue auditing authority, subject to certain confidentiality and information sharing requirements; amending s. 212.20, F.S.; providing for the distribution of proceeds from portions of the sales taxes generated by space activities facilities to the Spaceport Florida Authority; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Jenne—

CS for SB 1196—A bill to be entitled An act relating to education, research, and training authorities; creating part VIII of chapter 159, F.S.; providing a short title; providing for purpose of authorities; providing definitions; providing for creation of authorities and membership thereof; providing powers of authorities; providing for payment of expenses; providing for acquisition of real property; prohibiting the pledge of state or political subdivision credit; providing for reporting requirements; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Myers—

CS for SB 1198—A bill to be entitled An act relating to saltwater fisheries; creating s. 370.0603, F.S.; prohibiting the use of a gill or trammel net for commercial fishing purposes in the salt waters of this state without a valid gill net fishing license; providing the form and display requirements of the license; establishing licensing regions; establishing fees and providing for disposition thereof; providing a limitation; providing a fee waiver; providing license periods and jurisdiction; providing penalties; amending s. 370.07, F.S.; authorizing the sharing of fishing reports with certain other states; providing an effective date.

By the Committee on Judiciary and Senator Foley—

CS for SB 1256—A bill to be entitled An act relating to media personnel; exempting from disclosure in legal proceedings or in investigations by state agencies the sources of information obtained by certain media personnel; providing exceptions; providing an effective date.

By the Committee on Commerce and Senator Siegel—

CS for SB 1336—A bill to be entitled An act relating to public adjusters; amending s. 626.854, F.S.; limiting authority of public adjusters to act on behalf of or aid an insured in negotiating or settling certain claims; providing an effective date.

By the Committee on Judiciary and Senator Boczar—

CS for SB 1344—A bill to be entitled An act relating to parent-child tort immunity; stating purpose; abrogating the common law doctrine with regard to certain actions founded on abuse or sexual battery; precluding applicability to reasonable parental discipline; authorizing appointment of a guardian ad litem for the child; providing for applicability, attorney's fees, and severability; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Johnson, Forman and Boczar—

CS for SB 1384—A bill to be entitled An act relating to family services; providing for a family-support planning process; requiring the Department of Health and Rehabilitative Services to use a family-support planning process; requiring the Department of Education to facilitate the use of the family-support planning process; specifying target populations to be served to the extent possible within existing resources; providing for the participation of local education agencies; providing for the development, implementation, and review of plans; requiring notice to families of certain exceptional circumstances; providing for technical assistance to communities; providing implementation timeframes; providing for rules; providing an effective date.

By the Committees on Judiciary; Natural Resources and Conservation; and Senators Grant and Dyer—

CS for CS for SB 1386—A bill to be entitled An act relating to filled, formerly submerged sovereignty lands; amending s. 253.12, F.S.,

relating to title to such lands; providing that certain lands which might be owned by the state be granted to the upland landowner; providing for application; providing legislative intent; providing for severability; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senators Turner, Meadows, Foley, Dyer, Hargrett and Holzendorf—

CS for SB's 1434, 348 and 1922—A bill to be entitled An act relating to small and minority business; providing legislative intent; creating the Florida Commission on Minority Economic and Business Development; providing for membership; assigning the commission to the Advisory Council on Intergovernmental Relations; providing purposes; providing duties and powers; requiring a report; providing for expiration; providing an effective date.

By the Committee on Health Care and Senator Sullivan—

CS for SB 1482—A bill to be entitled An act relating to advance directives for health care; amending s. 744.3115, F.S.; providing for court orders to modify or revoke certain authority of a surrogate; amending s. 744.345, F.S.; revising authority of guardians; amending s. 765.101, F.S.; revising definitions; amending s. 765.105, F.S.; providing additional grounds for review of a surrogate or proxy's decision; amending s. 765.106, F.S.; expanding preservation of rights; amending s. 765.110, F.S.; correcting a reference; amending s. 765.202, F.S.; modifying procedure for designating a health care surrogate and condition for seeking appointment of a proxy; amending s. 765.205, F.S.; relating to respective responsibilities of surrogate and guardian; amending s. 765.304, F.S.; providing that an attending physician may proceed according to a living will when a surrogate has not been designated; amending s. 765.308, F.S.; providing procedure when a health care facility refuses to comply with the patient's wishes; amending s. 765.401, F.S.; providing that designation of a proxy does not preempt certain statutory designations relating to consent to medical treatment of minors; repealing s. 744.3215(4)(f), F.S., relating to right of persons determined incapacitated to remain as independent as possible; repealing s. 765.111, F.S., relating to effect of state and federal constitutions; repealing s. 765.306(2), F.S., relating to a rebuttable presumption in determination of a patient's condition; repealing s. 765.307, F.S., relating to do-not-resuscitate orders; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Jenne—

CS for SB 1498—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.313, F.S.; revising provisions relating to conflicting employment or contractual relationships to modify applicability with respect to collective bargaining situations; including appointed state officers, certain legislative employees, specified employees of the State University System, and elected officers of school districts in provisions restricting postemployment representation of others before their former agencies; providing a definition and applicability; authorizing school districts to adopt resolutions regulating postemployment representation of others by former employees before their former agencies; providing penalties; authorizing agencies and political subdivisions of the state to adopt more stringent standards of conduct under certain circumstances; amending s. 112.3135, F.S.; prohibiting the appointment, employment, promotion, or advancement of any individual if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member; revising and providing definitions; providing penalties; amending s. 112.3144, F.S.; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State the list of names, addresses, and offices held by every person required to file full and public disclosure of financial interests; amending s. 112.3145, F.S.; requiring local officers who do not permanently reside in any county in the state to file their statement of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State the list of names, addresses, and offices or positions held by every state officer, local officer, or specified employee; amending ss. 112.3148 and 112.3149, F.S., relating to requirements for gift receipt and

reporting and for honoraria; revising the definitions of "lobbyist" to provide applicability with respect to agency registration systems; revising the definition of "honorarium" to exclude event or meeting registration fees; amending s. 112.317, F.S.; increasing the cap on civil penalties applicable to ethics and financial disclosure violations; modifying the standard for awarding costs and attorney's fees; reenacting ss. 24.105(21)(b) and (c), 112.3145(6)(c) and (e), 112.322(2)(b), 287.175, and 350.043, F.S., relating to powers and duties of the Department of the Lottery, financial disclosure notice, powers and duties of the Commission on Ethics, penalties applicable to violations of provisions regulating state officer and employee transportation, and enforcement of provisions relating to the Public Service Commission, to incorporate the amendment to s. 112.317, F.S., in references thereto; amending s. 112.3185, F.S.; including the Public Service Commission under provisions applying restrictions on employees and former employees of agencies who participate or participated in the procurement of contractual services for their agencies; providing applicability; amending s. 112.324, F.S., relating to procedures on complaints of violations; requiring the public report on a dismissed complaint to state with particularity the reasons for dismissal; revising provisions relating to disciplinary officials or bodies and the public officers and employees subject to their disciplinary action; providing an effective date.

By the Committee on Commerce and Senator Williams—

CS for SB 1502—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 624.426, F.S.; exempting United States Customs surety bonds from the resident agent and countersignature law; amending s. 626.051, F.S.; revising a definition; amending s. 626.112, F.S.; requiring agents to be appointed; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.852, and 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; authorizing the Department of Insurance to assess limited costs of investigation and prosecution; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; amending ss. 626.731, 626.7351, 626.785, 626.831, and 626.8414, F.S.; providing additional criterion for qualifying for licensure; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.7491, F.S.; specifying application of certain provisions; providing exceptions; specifying producers from which insurers may accept business; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8418, F.S.; providing for posting of certain bond with the department in place of a deposit; providing for payment by the department of bond proceeds under certain circumstances; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.874, F.S.; including public adjusters, independent adjusters, and company employee adjusters in provisions relating to licensing of catastrophe or emergency adjusters; creating s. 626.9161, F.S.; excluding automobile window glass from certain deductible provisions; creating s. 626.9182, F.S.; requiring an annual statement and certain other information; amending s. 626.919, F.S.; specifying disciplinary actions for eligible surplus lines insurers; amending s. 626.921, F.S.; establishing the Surplus Lines Stamping Office, a nonprofit association; providing functions, powers, and duties; providing for a board of governors; providing for membership; requiring the office to submit a plan of operations to the department; requiring the department to examine the office; specifying immunity from liability for the office under certain circumstances; providing confidentiality for certain filings; amending s. 626.932, F.S.; holding certain insurers liable for certain taxes under certain circumstances; amending s. 627.021, F.S.; providing an exception to an exemption for certain surplus lines insurance; amending ss. 626.927, 626.9271, 626.929, 626.935, and 626.944, F.S.; requiring appointment in addition to licensure of certain persons; creating s. 624.490, F.S.; providing a short title; creating s. 624.491, F.S.; providing

a definition; creating s. 624.492, F.S.; providing requirements for living benefits contracts; creating s. 624.493, F.S.; requiring registration to enter into or solicit such contracts; imposing a registration fee; creating s. 624.494, F.S.; authorizing the department to adopt rules; creating s. 624.495, F.S.; providing applicability; amending s. 624.501, F.S.; providing an additional fee; increasing certain fees; providing fees for mediators; amending s. 627.745, F.S.; clarifying a provision related to final examination; amending s. 627.8405, F.S.; deleting a limitation on financing certain accidental death and dismemberment policies; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.753(4), F.S., relating to revocation of licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; amending s. 624.075, F.S.; defining the term "commercially domiciled insurer"; providing effective dates.

By the Committees on Health and Rehabilitative Services; Education; and Senator Kirkpatrick—

CS for CS for SB 1550—A bill to be entitled An act relating to funding of services for children and families; providing legislative intent; requiring the Governor to designate a Task Force for maximization of federal funding participation; requiring a report; authorizing simulated matching programs; establishing criteria and procedures; requiring each state agency that receives federal funds to be matched by the agency to set guidelines and standards for submitting claims for federal reimbursement; requiring that the Department of Health and Rehabilitative Services establish certain procedures; providing an effective date.

By the Committee on Judiciary and Senator Grant—

CS for SB 1586—A bill to be entitled An act relating to circuit and county courts; amending s. 28.223, F.S.; requiring the clerks of the circuit courts to record petitions for guardianship; amending ss. 28.241 and 34.041, F.S.; authorizing the use of the proceeds of excess service charges imposed by counties to provide and maintain equipment for the use of the courts of the county wherein collected; amending s. 28.30, F.S.; authorizing clerks of the circuit courts to destroy vouchers and canceled warrants pursuant to rules under the records and information management program of the Division of Library and Information Services of the Department of State; authorizing the use of imaging systems; amending s. 57.081, F.S.; limiting the services of the courts, sheriffs, and clerks provided without charge to indigent persons; requiring detailed financial disclosure in the affidavit required for certification of indigency; amending s. 382.022, F.S.; changing monthly filing deadline for county court judges and clerks of the circuit courts to transmit marriage application fees; repealing s. 28.17, F.S., relating to verification of documents by clerks of the circuit courts and judges of probate; amending s. 28.2401, F.S.; prescribing uses for service charges in probate matters; deleting provisions relating to matters required to be recorded; amending s. 744.351, F.S.; requiring a guardian's bond to cover the amount of stocks held singly or jointly in the ward's name; amending s. 744.367, F.S.; prescribing the ending time of an annual guardianship plan; amending s. 744.3678, F.S.; increasing the maximum fees payable from a ward's estate; amending s. 744.534, F.S.; providing for notice upon disposition of funds of a ward that are in the registry of the court; amending s. 733.816, F.S.; providing for notice on disposition of unclaimed property held by a personal representative; providing an effective date.

By the Committee on Commerce and Senators Kirkpatrick, Wexler and Kiser—

CS for SB 1626—A bill to be entitled An act relating to alcoholic beverages; creating s. 563.023, F.S.; providing limitations on the sale of certain malt beverages within limited territories; providing penalties; creating s. 563.024, F.S.; requiring distributors to take physical possession of certain malt beverages; providing an effective date.

By the Committee on Commerce and Senator Crist—

CS for SB 1660—A bill to be entitled An act relating to insurance; amending s. 624.438, F.S.; specifying eligibility requirements for a certificate of authority as a multiple-employer welfare arrangement; amending s. 626.561, F.S.; specifying that certain funds are trust funds; providing

that failure to deposit certain funds is prima facie evidence of certain personal use of such funds; amending s. 626.902, F.S.; providing a penalty for representing or aiding an unauthorized insurer; amending s. 626.989, F.S.; authorizing certain persons to have access to certain information; amending s. 817.234, F.S.; providing a penalty for knowingly presenting or concealing certain information in an application for insurance; defining "insurer"; amending s. 843.08, F.S.; imposing a penalty for falsely impersonating certain persons acting on behalf of the Department of Insurance; amending s. 895.02, F.S.; specifying violations of law that constitute "racketeering activity"; amending s. 932.7055, F.S.; providing for deposit into the Insurance Commissioner's Regulatory Trust Fund of certain proceeds under certain forfeiture proceedings; amending s. 27.34, F.S.; authorizing the Insurance Commissioner to contribute funds to pay salaries and expenses of assistant state attorneys for certain purposes; creating s. 440.105, F.S.; requiring reports of suspected fraudulent acts to the Bureau of Workers' Compensation Fraud; limiting liability; amending s. 440.50, F.S.; authorizing the Division of Workers' Compensation to transfer certain amounts from the Workers' Compensation Administration Trust Fund to the Insurance Commissioner's Regulatory Trust Fund; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senators Johnson, Grogan and Boczar—

CS for SB 1668—A bill to be entitled An act relating to ethics; amending s. 11.045, F.S.; expanding and modifying registration and disclosure requirements for legislative lobbyists; providing definitions; providing penalties; creating s. 11.063, F.S.; prohibiting legislative lobbyists from contracting for or accepting any contingency fee; providing penalties; creating s. 11.064, F.S.; requiring legislative lobbyists and principals to retain records for a specified period; providing penalties; amending s. 112.3215, F.S., and creating ss. 112.3216 and 112.3217, F.S., to apply the registration and reporting requirements, contingency fee restrictions, record retention requirements, and penalties applicable to legislative lobbyists and principals pursuant to this act to executive branch lobbyists and principals; amending s. 112.324, F.S.; requiring that persons filing complaints with the Commission on Ethics have personal knowledge of the matters set forth in the complaint; providing severability; providing an effective date.

By the Committee on Appropriations and Senator Scott—

CS for SB 1692—A bill to be entitled An act relating to the implementation of constitutional state planning and budgeting provisions; amending s. 186.002, F.S., relating to findings and intent; conforming terminology; amending s. 186.003, F.S.; defining "judicial branch" and revising the definitions of "state agency" and "state agency strategic plan"; amending s. 186.021, F.S.; providing for inclusion of the judicial branch in the preparation of strategic plans; revising the requirements of strategic plans; amending s. 186.022, F.S.; revising the requirements of strategic plans; providing applicability; repealing s. 216.011(2)(c), F.S., relating to the definition of "emergency situation"; amending s. 216.052, F.S.; revising the procedure for submission and review of strategic plans and legislative budget requests; amending s. 216.162, F.S., relating to submission of the Governor's recommended budget to the Legislature; deleting reference to biennial submission; amending s. 216.178, F.S.; revising provisions relating to availability of the final budget report and the General Appropriations Act; amending s. 216.221, F.S.; revising procedures for the adjustment of budgets to avoid or eliminate deficits; providing an effective date.

By the Committee on Professional Regulation and Senator Sullivan—

CS for SB 1696—A bill to be entitled An act relating to regulation of professions; amending s. 215.37, F.S.; requiring the Department of Professional Regulation to request that professional boards within the department submit their proposed budgets prior to development of the department's legislative budget request; creating s. 455.2142, F.S.; revising continuing education requirements for certain health care practitioners; creating s. 455.2181, F.S.; providing for certain foreign-trained pharmacists to apply for licensure as a pharmacist; amending s. 455.2226, F.S.; requiring persons licensed or certified under chapter 491, F.S., relating to clinical, counseling, and psychotherapy services, to complete a continuing

education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification; amending s. 455.241, F.S.; authorizing health care practitioners to disclose confidential patient information under certain circumstances; amending s. 457.105, F.S.; revising educational requirements for certification to practice acupuncture; increasing the tutorial program registration fee; amending s. 458.307, F.S.; clarifying provisions relating to the medical school faculty and teaching hospital members of the Board of Medicine; amending s. 458.311, F.S.; revising licensure requirements for medical physicians to allow certain applicants to complete a fellowship to partially satisfy medical physician licensure requirements; revising a restriction on the number of times an applicant for licensure to practice medicine may fail the examination to include remediation after a certain number; revising the applicability of a date relating to restricted licensure of foreign-trained physicians; amending s. 458.321, F.S.; revising notice requirements relating to expiration of an inactive license; creating s. 458.326, F.S.; authorizing physicians to administer or prescribe controlled substances for the treatment of intractable pain and providing requirements thereof; prohibiting hospitals and other health care facilities from forbidding or restricting such treatment by physicians having staff privileges with such hospital or health care facility; prohibiting disciplinary action by the Board of Medicine for such treatment; prohibiting such treatment for chemically dependent and other substance-abusing persons; providing for revocation or suspension of license under certain circumstances; creating ss. 458.3312, 459.0152, F.S.; prohibiting physicians and osteopathic physicians from falsely representing that they are board-certified specialists; providing for the adoption of rules; amending ss. 458.331, 459.015, F.S.; providing that violations are grounds for disciplinary action; amending ss. 458.347, 459.022, F.S., relating to physician assistants; providing requirements for certification under both chapters 458 and 459, F.S.; amending s. 766.1115, F.S., to conform; amending s. 460.408, F.S.; revising provisions relating to approval of continuing education courses for chiropractors; creating s. 461.011, F.S.; prohibiting sexual misconduct in the practice of podiatric medicine, for which there are disciplinary actions; amending s. 461.013, F.S.; providing a ground for disciplinary action relating to notifying the Board of Podiatric Medicine of commencement or cessation of the practice of the profession of podiatric medicine under certain circumstances; revising penalties, including increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), 461.006(2)(c), 766.111(2), F.S., relating to disabled person parking permits, financial arrangements between referring health care providers and providers of health care services, applicants for licensure to practice podiatric medicine, and unnecessary diagnostic testing, to incorporate the amendments to ss. 461.013, 466.028, F.S., in references thereto; creating s. 461.018, F.S.; providing for limited scope of practice of podiatric medicine within a specified area of need; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 466.006, F.S.; adding a qualification required to take the examination for licensure as a dentist; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendment to s. 466.006, F.S., in a reference thereto; amending s. 466.028, F.S.; increasing the administrative fine; amending s. 467.009, F.S.; revising requirements for midwifery educational programs; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1145, F.S.; eliminating examination and reexamination fees and increasing certain licensure and certification fees; amending s. 468.1155, F.S.; revising provisional licensure requirements, including increasing the hours of supervised clinical practice required; providing requirements relating to dual licensure in speech-language pathology and audiology; reenacting ss. 468.1185(2)(a), 468.1215(4), F.S., relating to licensure requirements and students, interns, and trainees, to incorporate the amendment to s. 468.1155, F.S., in references thereto; amending s. 468.1205, F.S., relating to inactive status; providing clarification; amending s. 468.1295, F.S.; providing that failing to notify the Board of Speech-Language Pathology and Audiology of a change in mailing address within a specified time constitutes a ground for disciplinary action; eliminating annual certification of testing and calibration of audiometric testing equipment as a ground for disciplinary action; amending s. 468.511, F.S.; revising procedures for temporary permits for certain dietitian/nutritionist applicants; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending ss. 478.46, 478.47, F.S., relating to temporary permits and licensure by endorsement; correcting cross-references; amending s. 483.813, F.S.; revising requirements for temporary licensure of clinical laboratory personnel; amending s. 484.007, F.S.; revising requirements for licensure as an optician; requiring the permitting of optical establishments; providing application and fee requirements for such a permit;

requiring notice of change in ownership of an optical establishment; amending s. 484.008, F.S.; providing for biennial renewal of permits, including fees and voiding of nonrenewed inactive permits after specified notice; amending s. 484.013, F.S.; prohibiting ownership or operation of unpermitted optical establishments and employment of unlicensed opticians in optical establishments; providing penalties; amending s. 484.014, F.S.; applying grounds for disciplinary actions and the disciplinary actions themselves to owners and operators of optical establishments; requiring certain quarterly reporting of permitholders; amending s. 484.018, F.S.; providing additional exceptions to regulation under part I of chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices; amending ss. 486.031, 486.041, 486.103, F.S.; eliminating temporary permits for physical therapists and physical therapist assistants and providing for graduate status for each under certain circumstances; providing an alternative licensure examination; amending ss. 486.021, 486.081, 486.107, F.S.; revising a definition and eliminating provisions relating to temporary permits, to conform; providing an alternative licensure examination; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; creating ss. 490.0055, 491.0055, F.S.; providing special conditions for licensure; amending s. 490.005, F.S., relating to licensure of psychologists; increasing the application fee; revising language; amending s. 490.008, F.S.; revising provisions relating to inactive status, including maximum duration and notice requirements; increasing the reactivation fee; amending s. 456.32, F.S.; including other licensed professionals within the definition of "practitioner of the healing arts" for purposes of provisions regulating hypnosis; amending s. 491.005, F.S.; revising fees and costs applicable to applicants for licensure as marriage and family therapists; amending s. 60, ch. 92-136, Laws of Florida; transferring the regulation of certified nursing assistants from the Department of Professional Regulation to the Agency for Health Care Administration; amending s. 400.211, F.S.; transferring the regulation of certified nursing assistants from the Department of Professional Regulation to the Agency for Health Care Administration; amending s. 20.30, F.S.; providing for a Division of Medical Quality Assurance within the Department of Professional Regulation, and specified boards thereunder; amending s. 20.42, F.S.; deleting certain boards for health care professionals organized under the Agency for Health Care Administration; amending ss. 394.455, 395.0197, 396.032, 397.021, 408.002, 408.006, F.S.; revising references to the Agency for Health Care Administration as it relates to the licensure and regulation of certain health care professionals; conforming terminology; amending ss. 455.201, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.2175, 455.218, 455.221, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.241, 455.243, 455.245, 455.26, F.S.; revising powers and duties of the Agency for Health Care Administration in general provisions relating to the licensing and regulation of health care professionals; repealing s. 455.2205(3), F.S., relating to the maintenance of separate revenue accounts in the Health Care Trust Fund for professions regulated by the Agency for Health Care Administration; repealing ss. 455.2141, 455.2173, F.S., relating to certain powers and duties of the Agency for Health Care Administration over the licensure and regulation of health care professionals; repealing s. 33, ch. 92-33, Laws of Florida, relating to the transfer of powers, duties, and functions from the Department of Professional Regulation to the Division of Health Quality Assurance of the Agency for Health Care Administration; repealing s. 34, ch. 92-33, Laws of Florida, relating to a direction to make changes in terminology in the Florida Statutes reflecting the transfer to the Agency for Health Care Administration of authority to regulate the practice of acupuncture, medicine, osteopathic medicine, chiropractic medicine, podiatric medicine, optometry, nursing, pharmacy, dentistry, speech-language pathology and audiology, nursing home administration, occupational therapy, respiratory therapy, opticianry, physical therapy, psychology, and clinical social work, marriage and family therapy, and mental health counseling; repealing s. 43, ch. 92-33, Laws of Florida, abrogating the repeal of s. 455.213(6) and (7), F.S., relating to continuing education for medical professionals under the Department of Professional Regulation; repealing s. 49, ch. 92-33, Laws of Florida, relating to licensure fees imposed by certain boards for professions regulated within the Agency for Health Care Administration; providing effective dates.

By the Committee on Professional Regulation and Senator Sullivan—

CS for SB 1698—A bill to be entitled An act relating to regulation of professions; amending ss. 455.217, 455.2173, F.S.; authorizing additional procedures the Department of Professional Regulation and the Agency for Health Care Administration may employ to maintain the security of professional examinations; amending s. 455.221, F.S.; providing that persons under contract with the department or agency to help investigate and resolve complaints and application checks shall be considered agents of the department or agency for certain insurance and immunity protections; amending s. 455.227, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; reenacting ss. 468.1755(1)(a), 470.036(1)(a), 471.033(1), 472.033(1), 473.323(1), 475.25(1), 475.624(1), 476.204(1)(h), 477.029(1)(h), 484.056(1)(a), F.S., relating to discipline of nursing home administrators, funeral directors, engineers, land surveyors, public accountants, real estate brokers, salespersons, schools, and appraisers, barbers, cosmetologists, architects, interior designers, and landscape architects, and hearing aid dispensers, to incorporate the amendment to s. 455.227, F.S., in references thereto; amending s. 455.228, F.S.; authorizing the issuance of citations in addition to other cease and desist remedies related to the unlicensed practice of a profession; providing for establishment by rule of related penalties; providing for allocation to the various professions of the fines, fees, and other costs collected as a result of violations related to such unlicensed practice; providing an earlier effective date for s. 455.2281, F.S., relating to assessment of fees to combat unlicensed activity; creating s. 455.271, F.S.; providing for inactive and delinquent status; creating s. 455.273, F.S.; providing for renewal and cancellation notices; creating s. 455.275, F.S.; providing for maintenance of current address-of-record information; providing for reinstatement of certain chiropractor licenses; amending s. 468.1245, F.S.; directing purchasers to direct complaints concerning hearing aids to the Agency for Health Care Administration; amending s. 468.385, F.S.; revising a prohibition against licensure as an auctioneer or auctioneer's apprentice; reenacting s. 468.387(1), F.S., relating to licensing of nonresidents, to incorporate the amendment to s. 468.385, F.S., in a reference thereto; amending s. 468.389, F.S.; authorizing restitution to a consumer as a disciplinary action of the department for auctioneers; amending s. 468.401, F.S.; revising definitions applicable to regulation of talent agencies; amending s. 468.402, F.S.; providing disciplinary grounds and actions applicable to persons violating provisions related to talent agencies; amending s. 468.403, F.S.; providing additional licensure requirements; creating s. 468.4035, F.S.; providing requirements for registration as a talent agent; amending s. 468.404, F.S.; deleting provisions relating to rules for a procedure for a biennial renewal of talent agency licenses; substituting the term "delinquency fee" for the term "late renewal fee"; increasing the charge for recording name or location changes; amending s. 468.406, F.S.; requiring an itemized schedule of fees, charges, and commissions along with an application; amending s. 468.407, F.S.; eliminating a fine for failure to display talent agency license; amending s. 468.409, F.S.; revising recordkeeping requirements; amending s. 468.410, F.S.; prohibiting agencies from requiring applicants or artists to purchase certain things as a condition of registering or obtaining employment for that person; amending s. 468.412, F.S.; requiring a separate license at each location; amending s. 468.413, F.S.; providing applicability of habitual felony offender penalties to certain acts, including operating as a talent agent without being registered and properly employed; amending s. 468.520, F.S.; revising definitions and exemptions applicable to regulation of employee leasing companies; amending s. 468.521, F.S.; increasing membership of the Board of Employee Leasing Companies; amending s. 468.522, 468.531, 468.533, 468.534, F.S.; revising terminology; amending s. 468.523, F.S.; applying other provisions relating to activities of regulatory boards to regulations for employee leasing companies; amending s. 468.524, F.S.; revising license application requirements; creating s. 468.5245, F.S., related to change of ownership; amending s. 468.525, F.S.; revising license requirements; amending s. 468.526, F.S.; revising annual assessment provisions; amending s. 468.527, F.S.; providing an editorial change; creating s. 468.5275, F.S.; providing for registration and exemption of de minimus operations; amending s. 468.528, F.S.; revising provisions related to inactive status of licenses; amending s. 468.529, F.S.; revising various insurance and benefit requirements; amending s. 468.530, F.S.; providing identification requirements for advertisements; amending s. 468.532, F.S.; revising and providing disciplinary grounds and actions; creating s. 468.535, F.S.; providing for investigations, audits, and reviews; providing an exemption from public records requirements with respect to such investigations, audits, and

reviews; providing for future review and repeal; amending s. 471.003, F.S.; revising an exemption from registration as an engineer applicable to certain faculty members; reenacting s. 471.037(2), F.S., relating to the issuance of local building permits, to incorporate the amendment to s. 471.003, F.S., in a reference thereto; amending s. 471.015, F.S.; revising licensure qualifications of engineers; authorizing the requirement of a personal appearance, subject to prior notice; providing requirements for professional liability insurance; amending s. 472.005, F.S.; revising definitions relating to regulation of land surveying to eliminate reference to "land" and to include reference to "mapping"; defining "photogrammetric mapper"; amending s. 472.007, F.S.; increasing membership of the Board of Professional Surveyors and Mappers; amending s. 472.008, F.S.; deleting the requirement for board rules on financial responsibility; amending s. 472.011, F.S.; providing application fees for providers of continuing education; creating s. 472.041, F.S.; providing a savings clause to automatically license specified persons as surveyors and mappers on a specified date; amending s. 472.011, F.S.; providing for board rule for delinquency fees rather than late renewal penalty fees; amending s. 472.013, F.S.; eliminating a qualifying prerequisite to taking the licensure examination and providing for future repeal of other qualifying prerequisites; amending ss. 472.001, 472.003, 472.015, 472.021, 472.023, 472.027, 472.029, 472.031, 472.037, 472.039, F.S., relating to land surveying, to conform; amending s. 472.033, F.S., relating to grounds for disciplinary action related to licensure status; amending ss. 20.30, 177.031, 177.061, 177.071, 177.091, 177.141, 177.151, 177.36, 177.503, 177.504, 177.507, 177.508, 177.509, 190.033, 287.055, 403.0877, 403.8171, 403.932, 440.02, 471.003, 481.219, 713.01, 713.03, 718.104, 810.12, F.S., to conform terminology; amending s. 28.222, F.S.; providing requirements for the recording of instruments relating to land surveying; amending s. 473.308, F.S.; extending the waiver of certain educational requirements applicable to certain applicants for licensure as a public accountant; amending s. 474.2065, F.S.; increasing the initial application and examination fee for veterinarians; amending s. 474.207, F.S.; revising provisions relating to licensure of veterinarians by examination; amending s. 474.2125, F.S.; revising provisions relating to temporary licenses issued to licensed veterinarians of another state, including shortening the period of validity of such licenses; amending s. 474.214, F.S., relating to disciplinary proceedings; providing penalties for practicing veterinary medicine with a delinquent license; correcting terminology; amending s. 474.215, F.S.; requiring compliance with standards adopted pursuant to board rule; amending s. 475.01, F.S.; providing definitions application to regulation of real estate brokers, salespersons, and schools; amending s. 475.17, F.S.; revising qualifications for practice with respect to other states and jurisdictions; creating s. 475.180, F.S.; providing reciprocity provisions for non-resident licenses; amending s. 475.181, F.S., relating to licensure, to conform; amending s. 475.25, F.S.; revising a ground for disciplinary and other action relating to certain required notice relating to a sale, exchange, purchase, or lease of real property or any interest in real property; amending ss. 475.482, 475.483, 475.484, F.S., relating to the Real Estate Recovery Fund; revising conditions for receipt of a distribution from the fund; providing requirements for recovery when bankruptcy is a factor; providing additional conditions that constitute disqualification for a claim; providing for proration of claims under certain conditions; amending s. 475.5017, F.S.; providing for assignment of civil actions; providing for payment of expenses of receiver; amending s. 475.624, F.S., relating to grounds for discipline or other action against a real estate appraiser; providing clarification; amending s. 477.013, F.S.; providing a definition applicable to regulation of cosmetology; amending s. 477.0135, F.S.; exempting hair braiding from regulation under certain circumstances; amending s. 480.033, F.S.; providing a definition applicable to regulation of massage practice; amending s. 480.041, F.S.; deleting the age and education required to be a licensed massage therapist; amending s. 480.047, F.S.; prohibiting massage brokering under certain circumstances; amending s. 481.205, F.S.; providing for an interior design advisory body within the Board of Architecture and Interior Design; amending s. 481.213, F.S.; requiring certain internship for licensure as an architect; amending s. 481.215, F.S.; providing requirements relating to proof of continuing education applicable to architects; deleting provisions relating to automatic reverter to inactive status for a license to practice architecture or interior design; amending s. 481.329, F.S.; exempting golf course architects from regulation under part II of chapter 481, F.S., relating to landscape architecture; amending s. 484.051, F.S.; directing purchasers to direct complaints concerning hearing aids to the Department of Professional Regulation; requiring the Board of Cosmetology and the Barbers' Board to study the feasibility of merging the professions of cosmetology and barbering and requiring a report; requiring the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Spe-

cialists to adopt rules relating to informing hearing aid purchasers of telecoil, "t" coil, or "t" switch technology; amending s. 489.503, F.S.; providing an exemption for certain companies from local permitting requirements relating to low-voltage electrical codes and regulations; amending s. 489.511, F.S.; revising requirements to take the examination for certification as a specialty contractor; amending s. 457.107, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate to practice acupuncture; amending s. 457.108, F.S.; deleting provisions relating to automatic expiration of a certificate to practice acupuncture; deleting provisions relating to amounts of certain fees; amending s. 458.319, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice medicine; amending s. 458.321, F.S.; deleting provisions relating to automatic expiration of a license to practice medicine; deleting provisions relating to the fee for reactivating an inactive license to practice medicine; amending s. 458.347, F.S.; deleting provisions relating to reactivation of an inactive certificate as a physician assistant and to automatic expiration of the certificate; amending s. 459.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice osteopathic medicine; amending s. 459.009, F.S.; deleting provisions relating to automatic expiration of a license to practice osteopathic medicine; deleting provisions relating to the amounts of certain fees; amending s. 460.07, F.S.; deleting provisions relating to automatic expiration of license to practice chiropractic; amending s. 461.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice podiatry; amending s. 461.008, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license to practice podiatry; deleting provisions relating to the amounts of certain fees; amending s. 462.08, F.S.; revising provisions governing the renewal of a license to practice naturopathy; amending s. 462.19, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice naturopathy and to reactivation of such license; amending s. 463.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice optometry; amending s. 463.008, F.S.; deleting provisions relating to reactivation of an inactive license to practice optometry; deleting provisions relating to the amount of certain fees; amending s. 463.016, F.S.; providing penalties for practicing optometry with a delinquent license; amending s. 464.013, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice nursing; amending s. 464.014, F.S.; deleting provisions relating to reactivation of an inactive license to practice nursing; deleting the requirement for payment of an inactive application fee; amending s. 465.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice pharmacy; amending s. 465.012, F.S.; deleting provisions relating to reactivation of an inactive license to practice pharmacy; deleting provisions relating to the amount of certain fees; amending s. 466.013, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice dentistry; amending s. 466.015, F.S.; deleting provisions relating to reactivation of an inactive license to practice dentistry; deleting provisions relating to the amount of certain fees; amending s. 467.012, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice midwifery; amending s. 467.013, F.S.; deleting provisions relating to renewal or reactivation of an inactive license to practice midwifery; amending s. 467.0135, F.S.; deleting a late renewal fee; amending s. 468.1145, F.S.; changing the term "late renewal penalty" to "delinquency fee" with respect to licensure as a speech-language pathologist or audiologist; amending s. 468.1195, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a speech-language pathologist or audiologist; amending s. 468.1205, F.S.; deleting provisions relating to reactivation of an inactive license as a speech-language pathologist or audiologist; amending s. 468.1295, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license; amending s. 468.1715, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a nursing home administrator; amending s. 468.1725, F.S.; deleting provisions relating to reactivation of an inactive license as a nursing home administrator; deleting provisions relating to the amount of certain fees; amending s. 468.1755, F.S.; providing penalties for practicing nursing home administration with a delinquent license; amending s. 468.219, F.S.; deleting provisions relating to expiration of a license to practice occupational therapy; amending s. 468.221, F.S.; providing for fees with respect to the practice of occupational therapy; amending s. 468.361, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.363, F.S.; deleting provisions relating to reactivation of an inactive certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.3851, F.S.; deleting provisions relating to automatic reverter to inactive status of an auction-

eer's license; amending s. 468.3852, F.S.; deleting provisions relating to automatic expiration of an auctioneer's license; amending s. 468.514, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a dietitian/nutritionist; amending s. 468.515, F.S.; deleting provisions relating to automatic expiration of a license as a dietitian/nutritionist; amending s. 468.517, F.S.; providing penalties for practicing as a dietitian/nutritionist with a delinquent license; amending s. 468.518, F.S.; providing for disciplinary action against a person practicing as a dietitian/nutritionist with a delinquent license; amending s. 468.549, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a wastewater treatment operator; amending s. 468.550, F.S.; deleting provisions relating to automatic expiration of a license as a wastewater treatment operator; amending s. 468.551, F.S.; providing penalties for acting as a wastewater treatment operator with a delinquent license; amending s. 470.015, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a funeral director and embalmer; amending s. 470.016, F.S.; deleting provisions relating to automatic expiration of a license as a funeral director and embalmer; amending s. 470.018, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a direct disposer; amending s. 470.019, F.S.; providing penalties for practicing direct disposing with a delinquent license; amending s. 470.036, F.S.; providing for disciplinary action against a person practicing funeral directing and embalming or a similar occupation with a delinquent license; amending s. 471.011, F.S.; changing the term "late renewal penalty" to "delinquency fee" for purposes of licensure as an engineer; amending s. 471.017, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an engineer; amending s. 471.019, F.S.; deleting provisions relating to reactivation of an inactive license as an engineer; amending s. 471.031, F.S.; providing penalties for practicing engineering with a delinquent license; amending s. 471.033, F.S.; providing for disciplinary action against a person practicing engineering with a delinquent license; amending s. 472.017, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice land surveying; amending s. 472.019, F.S.; deleting provisions relating to automatic expiration of a license to practice land surveying; amending s. 473.311, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice public accountancy; amending s. 473.313, F.S.; deleting provisions relating to automatic expiration of a license to practice public accountancy; amending s. 473.322, F.S.; providing penalties for practicing public accountancy with a delinquent license; amending s. 473.323, F.S.; providing for disciplinary proceedings against a person practicing public accountancy with a delinquent license; amending s. 474.211, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice veterinary medicine; amending s. 474.212, F.S.; deleting provisions relating to renewal and reactivation of an inactive license to practice veterinary medicine; amending s. 476.155, F.S.; deleting provisions relating to automatic expiration of a barber's license; amending s. 477.0212, F.S.; deleting provisions relating to automatic expiration of a cosmetologist's license; amending s. 478.50, F.S.; deleting provisions relating to automatic expiration of a license to practice electrolysis; amending s. 480.0415, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice massage; amending s. 480.0425, F.S.; deleting provisions relating to automatic expiration of a license to practice massage; amending s. 481.207, F.S.; deleting a late renewal fee for licensure as an architect or interior designer; amending s. 481.217, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license as an architect or interior designer; amending s. 481.223, F.S.; providing penalties for practicing architecture or interior design with a delinquent license; amending s. 481.225, F.S.; providing for disciplinary action for practicing architecture with a delinquent license; amending s. 481.307, F.S.; deleting a late renewal fee for licensure as a landscape architect; amending s. 481.313, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice landscape architecture; amending s. 481.315, F.S.; deleting provisions relating to automatic expiration of a license as a landscape architect; amending s. 481.323, F.S.; providing penalties for practicing landscape architecture with a delinquent license; amending s. 481.325, F.S.; providing for disciplinary action against a person practicing landscape architecture with a delinquent license; amending s. 483.807, F.S.; changing the term "late renewal penalty" to "delinquency fee" for purposes of licensure of clinical laboratory personnel; amending s. 483.817, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as clinical laboratory personnel; amending s. 483.819, F.S.; deleting provisions relating to renewal of an inactive license as clinical laboratory personnel and to automatic suspension of such license; amending s. 484.008, F.S.; deleting provisions relating to automatic reverter to inactive status of an optician's license;

amending s. 484.009, F.S.; deleting provisions relating to automatic expiration of an optician's license; amending s. 484.014, F.S.; providing penalties for practicing opticianry with a delinquent license; amending s. 484.047, F.S.; deleting provisions relating to automatic expiration of a license as a dispenser of hearing aids and to reinstatement of such license; amending s. 484.053, F.S.; providing penalties for dispensing hearing aids with a delinquent license; amending s. 484.056, F.S.; providing for disciplinary action against a person dispensing hearing aids with a delinquent license; amending s. 486.085, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist; deleting provisions relating to the amount of certain fees; deleting requirements for payment of an inactive application fee; amending s. 486.108, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist assistant; deleting provisions relating to the amount of certain fees; deleting requirements for payment of an inactive application fee; amending s. 489.109, F.S.; changing the term "penalty fee" to "delinquency fee" with respect to licensure as a contractor; deleting provisions relating to automatic reverter to inactive status of a license as a contractor; amending s. 489.509, F.S.; changing the term "penalty fee" to "delinquency fee" with respect to licensure as an electrical and alarm system contractor; amending s. 489.517, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an electrical and alarm system contractor; amending s. 489.519, F.S.; deleting provisions relating to automatic expiration of a license as an electrical and alarm system contractor; amending s. 489.531, F.S.; providing penalties for electrical and alarm system contracting with a delinquent license; amending s. 489.533, F.S.; providing for disciplinary action against a person engaging in electrical or alarm system contracting with a delinquent license; amending ss. 490.007, 490.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a psychologist and reactivation of such license; amending ss. 491.007, 491.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license or certificate as a clinical social worker, marriage and family therapist, or mental health counselor and to reactivation of such license or certificate; amending s. 492.109, F.S.; deleting provisions relating to automatic reverter to inactive status of a geologist's license; amending s. 492.1101, F.S.; deleting provisions relating to automatic expiration of a license as a geologist; amending s. 492.112, F.S.; providing penalties for practicing geology with a delinquent license; amending s. 492.113, F.S.; providing effective dates.

By the Committee on Commerce and Senator Holzendorf—

CS for SB 1720—A bill to be entitled An act relating to the Florida Life and Health Guaranty Association; amending s. 631.718, F.S., relating to assessments from the Florida Life and Health Insurance Guaranty Association; providing a limitation on the amount of assessments; amending s. 631.719, F.S.; amending the amount of premium or income tax credits that a member insurer may take for certain assessments paid; prescribing the dates in which member insurers may use premium or income tax credits for assessments paid; providing an effective date.

By the Committee on Governmental Operations and Senator Harden—

CS for SB 1736—A bill to be entitled An act relating to governmental efficiency; creating s. 11.515, F.S.; creating the Commission on Productivity Review; providing for 4-year staggered terms; providing for appointment; providing for nonvoting members from the public sector; requiring meetings; authorizing the establishment of committees; allowing the acceptance of grants and donations; authorizing the expenditure of appropriations or other revenues; authorizing expenses; prohibiting conflict of interest of members; assigning the commission to the legislative branch; requiring cooperation with the commission; providing for an executive director; authorizing the adoption and enforcement of rules; requiring the commission to develop performance and productivity goals and measures; providing annual evaluation of agency performance; providing for staffing; requiring reports of the commission; providing an appropriation; amending s. 216.011, F.S.; adding definitions for purposes of appropriations acts and budgets; amending s. 216.031, F.S.; requiring state agencies to submit performance and productivity information as part of their legislative budget requests; amending s. 216.163, F.S.; requiring the Governor's recommended budget to contain certain information related to agencies' performance and productivity; amending s. 216.177, F.S.; providing for legislative appropriations chairmen to include

funding restrictions or enhancements based on agencies' performance and productivity in the annual statement of intent; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Dantzler—

CS for SB 1780—A bill to be entitled An act relating to the Cross Florida Greenway; providing legislative intent; assigning the initial responsibility for managing that area to the Office of Greenway Management in the Office of the Executive Director of the Department of Natural Resources; establishing the initial boundary of the greenway area; authorizing a horsepark/agricultural center; authorizing the Board of Trustees of the Internal Improvement Trust Fund to modify the boundary under certain circumstances; providing authority for coordinated management of greenway lands and other lands; providing for the identification and sale or exchange of former barge canal lands; providing for the payment of funds due specified counties; providing priorities for the use of funds in the Cross Florida Barge Canal Trust Fund; authorizing the lease of former canal lands; providing for recreational uses of greenway lands; authorizing the generation of hydroelectric power on greenway lands; requiring the Department of Natural Resources to perform certain studies prior to making recommendations to the Governor and Cabinet regarding the disposition of water control structures at Rodman Reservoir and Inglis Lock; specifying information that must be obtained; authorizing transportation and utility crossings of greenway lands; providing legislative intent; amending s. 253.781, F.S.; deleting an obsolete provision related to the boundary of the greenway area; replacing a requirement that the Governor and Cabinet acquire the fee title to specified lands with an authorization to acquire that fee; amending s. 253.782, F.S.; replacing a requirement that the Governor and Cabinet acquire the fee title to specified lands, with authorization to do so; amending s. 253.7829, F.S.; deleting obsolete provisions related to the management plan for the greenway area; authorizing the Governor and Cabinet to exchange, to dispose of as surplus, or to acquire certain lands and easements for specified purposes; restricting the use of funds for these transfers; amending s. 253.783, F.S.; deleting a requirement that repayment of funds to specified counties is secondary to the costs of acquiring lands pursuant to s. 253.781(3), F.S.; requiring the sum of at least \$32 million in cash or surplus lands to be paid to the counties that were included in the former Cross Florida Canal Navigation District; deleting a requirement that certain excess funds be used for maintenance of the greenway corridor; providing authorization for such use; deleting obsolete provisions pertaining to the former canal authority, the Department of Natural Resources, and the preparation of the management plan for the greenway area; providing appropriations and authorizing positions; transferring the Canal Authority of the State of Florida to the Department of Natural Resources by a type three transfer; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Williams—

CS for SB 1816—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 372.16, 372.661, 372.87, 372.921, 372.922, F.S.; increasing certain fees of the commission; amending s. 372.57, F.S.; deleting a license requirement; providing a daily use fee; amending s. 372.571, F.S.; conforming provisions; authorizing the commission to establish fees for other activities it authorizes; amending s. 372.0222, F.S.; authorizing the commission to contract for the publication of certain documents; amending s. 370.01, F.S.; providing a definition; amending s. 370.0605, F.S.; revising provisions with respect to saltwater fishing licenses; requiring positive identification under certain circumstances; providing for issuance of the license by the Department of Natural Resources or its agents; providing that the Game and Fresh Water Fish Commission shall be the issuing department on behalf of the Department of Natural Resources; amending s. 370.0608, F.S.; revising provisions with respect to the deposit of license fees; amending s. 370.062, F.S.; providing for the issuance of tags for tarpon by the Department of Natural Resources or its agents; providing fees; amending s. 372.001, F.S.; providing a definition; providing fees; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to enter into agreements with vendors for vendor advertisement to offset the cost of license issuance; amending s. 372.561, F.S.; deleting reference to the tax collector

or his subagents with respect to license issuance and providing reference to the commission or its agents; amending s. 372.57, F.S.; revising provisions with respect to licenses and stamps; amending s. 372.5717, F.S.; revising provisions with respect to hunter safety courses to delete reference to county tax collectors; amending s. 372.574, F.S.; providing for the appointment of agents of the Game and Fresh Water Fish Commission for the sale of hunting, fishing, or trapping licenses; amending s. 372.60, F.S.; revising procedure for issuing of replacement license or stamp; providing for fees; creating additional positions and providing an appropriation; providing effective dates.

By the Committee on Natural Resources and Conservation; and Senator Dantzer—

CS for SB 1820—A bill to be entitled An act relating to air pollution control; amending s. 403.031, F.S.; deleting the definition of the term “major source of air pollution” and “small business stationary source”; amending the definition of “regulated air pollutant”; amending s. 403.0852, F.S.; defining small business stationary source of air pollution; amending s. 403.0872, F.S.; defining major source of air pollution; allowing the administrator of the U.S. Environmental Protection Agency to intervene in any administrative or judicial proceeding relating to air-operation permits; amending s. 403.0876, F.S.; providing that the Department of Environmental Regulation’s failure to approve or deny an air-operation permit does not result in the automatic approval or denial of the permit; allowing certain persons to petition for a writ of mandamus; amending s. 403.111, F.S.; excluding certain materials from the confidential records exemption; amending s. 403.503, F.S.; amending the definition of the term “federally delegated or approved permit program”; amending s. 403.504, F.S.; amending a provision relating to the Department of Environmental Regulation’s powers to issue certain permits; amending s. 403.507, F.S.; requiring the Department of Environmental Regulation to issue a preliminary determination on certain electrical power plant permits within a specified time; requiring the department to receive public comments and comments from certain affected agencies; deleting certain requirements on certain documents; amending s. 403.508, F.S.; specifying certain requirements relating to the issuance of certain permits; amending s. 403.509, F.S.; specifying certain requirements for departmental action on certain permits; amending s. 403.511, F.S.; providing that a term or condition of a site certification may not control or supersede the provisions of a final air operating permit for a major source of air pollution issued by the department; amending s. 403.5115, F.S., relating to notice of application; amending s. 403.518, F.S.; increasing certain fees; providing that a certain portion of the fees be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services; amending s. 403.5365, F.S.; revising the application fees for transmission line rights-of-way; transferring a certain amount of the fee to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services; providing an effective date.

By the Committee on Health Care and Senator Gutman—

CS for SB 1844—A bill to be entitled An act relating to health care; providing legislative findings; amending s. 154.04, F.S.; providing that medical peer review committees may be organized by county public health units; providing a public records exemption for identifying information in committee records and a public meetings exemption for committee proceedings; providing for review and repeal; amending s. 383.011, F.S.; providing an exemption from the public records law for identifying information contained in records of fetal infant mortality review boards and a public meetings exemption for proceedings of such boards; providing for review and repeal; amending s. 395.3025, F.S.; providing for disclosure of patient records to local or regional trauma agencies, panels, or committees; amending s. 395.4025, F.S.; providing for the extension of provisional status of applicants for state-approved trauma centers or state-approved pediatric trauma centers; deleting a provision making certain local or regional trauma agencies agents of the department for the purposes of s. 395.3025, F.S.; providing a public records exemption for certain letters and reports generated by the department; providing for review and repeal; creating s. 395.50, F.S.; providing for confidentiality relating to quality assurance activities conducted by the local or regional trauma agencies or their panels or committees; providing public meetings and records exemptions; providing for review and repeal; amending s.

401.30, F.S.; providing for disclosure of patient information without the patient’s consent to an agent of the department, or a local or regional trauma agency, panel, or committee assembled pursuant to s. 395.50, F.S.; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Wexler—

CS for SB 1848—A bill to be entitled An act relating to the registration of electors; creating s. 97.0625, F.S.; providing an alternative procedure for the registration of electors in lieu of registering in person; providing for the creation and approval of alternative registration forms by the Department of State; providing for local variance, completeness, timely presentation, correction of deficiencies, and availability of forms; providing for the forwarding of registrations; amending ss. 97.041, 98.111, and 101.692, F.S., to conform; amending s. 97.071, F.S.; providing requirements for registration identification cards returned as nondeliverable; amending s. 104.012, F.S.; providing penalties for attempting to deter a person from registering or for interfering with the exercise of a person’s right to register; repealing s. 97.063, F.S., relating to eligibility for absentee registration; providing an effective date.

By the Committee on Professional Regulation and Senator Kurth—

CS for SB 1982—A bill to be entitled An act relating to solicitation of funds; amending s. 496.404, F.S.; revising the definition of the term “contribution”; amending s. 496.405, F.S.; providing procedures for processing applications for registration which charitable organizations that intend to solicit contributions in this state must file with the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing an effective date.

By the Committee on Commerce—

CS for SB 2070—A bill to be entitled An act relating to exemptions from legal process; amending s. 77.0305, F.S.; providing for garnishment of government employee wages; providing for the moneys to be deposited in the Department of Banking and Finance Administrative Trust Fund; providing a limited waiver of sovereign immunity; amending s. 222.11, F.S.; providing definitions; providing limitations on wages exempt from garnishment or attachment; providing for tracing of head of family wages; creating s. 222.25, F.S.; providing an exemption for other individual property which is exempt from legal process; creating s. 222.29, F.S.; prohibiting exemptions for fraudulent transfers; creating s. 222.30, F.S.; defining fraudulent asset conversions; providing remedies for creditors concerning fraudulent asset conversions; providing a time limitation for bringing legal actions; providing for applicability of the act; providing an effective date.

By the Committee on Judiciary and Senator Myers—

CS for SB 2082—A bill to be entitled An act relating to reproductive technology; amending s. 742.11, F.S.; providing for the status of certain children born from donated eggs or preembryos; changing the title of ch. 742, F.S.; creating s. 742.13, F.S.; providing definitions; creating s. 742.14, F.S.; providing for the relinquishment of rights by the donor of eggs, sperm, or preembryos; restricting compensation for such donation; creating s. 742.15, F.S.; requiring a contract before engaging in gestational surrogacy; specifying contract requirements and restrictions; creating s. 742.16, F.S.; requiring a petition for affirmation of parental status; providing for notice and hearing; specifying duties of the Department of Health and Rehabilitative Services regarding birth certificates; providing an exemption from public records law; providing for review and repeal; creating s. 742.17, F.S.; providing for the disposition of eggs, sperm, and preembryos under specified conditions; restricting rights of inheritance; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Hargrett—

CS for SB 2086—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.013, F.S.; clarifying the definitions of “public lodging establishment,” “public food service establishment,” and “temporary food service event”; defining “transient establishment” and “theme park or entertainment complex”; amending s. 509.032, F.S., relating to duties of the Division of Hotels and Restaurants of the Department of Business Regulation; clarifying reporting requirements; revising inspection requirements; providing for fees for plan review; requiring licenses for temporary food service events; deleting exemptions for temporary food service events; providing for stop-sale orders; providing preemption authority; amending s. 509.035, F.S.; revising provisions relative to immediate closure of licensed establishments due to severe public health threat; providing penalties; amending s. 509.039, F.S.; deleting a reference to preemption authority; amending ss. 509.101, 509.151, F.S.; clarifying requirements for transient establishments; amending s. 509.201, F.S.; providing an exemption from rate posting and advertising for nontransient apartments; amending s. 509.221, F.S.; specifying standards for transient establishments and exempting certain sanitary requirements for nontransient apartments and certain theme parks and entertainment complexes; providing rulemaking authority; amending s. 509.242, F.S.; deleting obsolete language relating to submission of a report; clarifying classification of resort condominiums and resort dwellings; amending s. 509.251, F.S.; providing additional fees for initial application, delinquent renewal, and change-of-ownership applications; authorizing the division to set additional standards for assessing fees; providing for the accounting for and transfer of certain costs; amending s. 509.261, F.S.; clarifying penalties; amending s. 509.091, F.S.; providing for notice; amending s. 381.0011, F.S.; requiring the Department of Health and Rehabilitative Services to hold a workshop before issuing a nonemergency health alert or advisory relating to food-borne illness or disease in public food service establishments; amending s. 381.0072, F.S.; redefining the term “food service establishment” for purposes of department sanitation rules; providing for the department to collect fees from establishments exempted from licensure; repealing provisions relating to the transfer of certain fees to provide epidemiological services; repealing s. 509.036(4), F.S., deleting obsolete language; providing an effective date.

By the Committee on Judiciary and Senator Turner—

CS for SB 2096—A bill to be entitled An act relating to the Florida Residential Landlord and Tenant Act; amending s. 83.46, F.S.; revising language with respect to duration of tenancies; amending s. 83.49, F.S.; revising language with respect to deposit money or advance rent; providing for the effect of compliance; amending s. 83.51, F.S.; revising language with respect to the landlord's obligation to maintain the premises; amending s. 83.53, F.S.; defining the term “reasonable notice” with respect to the landlord's access to the dwelling unit; amending s. 83.535, F.S.; requiring tenants to carry flotation insurance under certain circumstances; amending s. 83.56, F.S.; revising language with respect to termination of the rental agreement; providing an exception; amending s. 83.60, F.S.; revising language with respect to notice concerning defenses to an action for rent or possession; providing an exception; creating s. 83.681, F.S.; providing for orders to enjoin violations of the Florida Residential Landlord and Tenant Act; amending s. 34.011, F.S.; authorizing county courts to issue injunctions with respect to the act; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Grant—

CS for SB 2102—A bill to be entitled An act relating to international banking; creating s. 288.770, F.S.; creating the “Florida Export Finance Corporation Act”; creating s. 288.771, F.S.; providing legislative intent; creating s. 288.772, F.S.; providing definitions; creating s. 288.773, F.S.; creating the Florida Export Finance Corporation; providing powers and duties of the corporation; creating s. 288.774, F.S.; authorizing the corporation to charge fees; providing a limitation on loans by the corporation; authorizing the corporation to adopt rules; creating s. 288.775, F.S.; establishing the Florida Export Finance Corporation Account; providing

purposes of the account; providing for investment of moneys in the account; providing for payment of claims against the account; providing that the state is not liable for claims on the account; creating s. 288.776, F.S.; providing for a board of directors of the corporation; providing for appointment of members; providing duties of the board; creating s. 288.777, F.S.; providing for appointment of a president of the corporation; providing duties and powers of the president; creating s. 288.778, F.S.; requiring the Department of Banking and Finance to review the corporation's activities periodically; amending s. 288.765, F.S.; revising the duties of the export finance officer in the Department of Commerce; amending ss. 288.811 and 288.819, F.S.; changing the name of the Florida Banking Advisory Council to the Florida Banking and Finance Council; repealing ss. 288.741, 288.742, 288.743, 288.744, 288.745, 288.746, 288.747, 288.748, 288.749, 288.750, 288.751, 288.752, 288.753, 288.754, 288.755, 288.756, 288.757, 288.758, 288.759, and 288.760, F.S., relating to export finance; providing an effective date.

By the Committee on Governmental Operations and Senators Dyer and Forman—

CS for SB 2120—A bill to be entitled An act relating to government accountability; creating s. 14.27, F.S.; creating the Commission on Government Accountability to the People; providing for membership, appointment, and terms; providing for meetings; authorizing the acceptance of grants and donations and the expenditure of appropriations or other revenues; providing for expenses; requiring disclosure prior to voting on recommendations that would inure to a member's private gain; providing a penalty; providing duties of the Executive Office of the Governor; directing agencies to cooperate with the commission; providing for an executive director; providing for rules; directing the commission to report on government performance and make recommendations with respect thereto; requiring an initial report on specified agencies; requiring annual reports; repealing s. 11.55, F.S., which provides for a State Agency Evaluation and Review Committee; providing an effective date.

By the Committee on Health Care and Senator Gutman—

CS for SB 2130—A bill to be entitled An act relating to perinatal, neonatal, infant, and toddler health care; amending s. 383.15, F.S.; revising legislative intent relating to perinatal care services; amending s. 383.16, F.S.; revising definitions; amending s. 383.17, F.S.; providing for a regional perinatal intensive care centers program; deleting reference to grants to health care providers; amending s. 383.18, F.S.; providing for contracts; providing for medical and financial eligibility; amending s. 383.19, F.S.; providing for transportation services; providing for Medicaid reimbursement; revising priority consideration for establishment of centers; amending s. 383.21, F.S.; revising requirements for program review; dividing, transferring, renumbering, and amending s. 383.215, F.S.; revising the developmental evaluation and intervention programs; revising definitions; specifying program requirements; providing for interagency coordination; creating s. 391.305, F.S.; providing for standards and rulemaking; creating s. 391.306, F.S.; providing for program funding; authorizing the Department of Health and Rehabilitative Services to contract with providers; creating s. 391.307, F.S.; requiring annual program review; repealing s. 383.144, F.S., as amended, relating to the infant hearing impairment program; repealing s. 383.171, F.S., relating to grants to neonatal intensive care centers; repealing s. 383.212, F.S., relating to program review, evaluations, and projections for neonatal intensive care centers; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 2136—A bill to be entitled An act relating to the Florida Contraband Forfeiture Act; amending s. 932.703, F.S.; providing an exception for certain lienholders; authorizing the posting of bond or other security for seized property; amending s. 932.704, F.S.; providing additional policy statements regarding property seizures and forfeitures; authorizing filing certain forfeiture actions in certain courts; prohibiting representation by attorneys on a contingency fee basis under certain circumstances; providing notice procedures; providing an exception to requiring court review of settlement agreements under certain circumstances; providing for award of attorney's fees under certain circumstances; requiring the Department of Law Enforcement and certain other

entities to develop and implement model policy guidelines and procedures for reviewing seizures; specifying personnel to decide currency seizures; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Wexler—

CS for SB 2150—A bill to be entitled An act relating to collective bargaining; amending s. 216.163, F.S.; revising language with respect to the Governor's report to the legislative appropriations committees concerning collective bargaining impasse issues; amending s. 447.203, F.S.; redefining the term "public employer" or "employer"; amending s. 447.309, F.S.; revising language with respect to the request to the legislative body by the chief executive officer for the funding of the collective bargaining agreement; amending s. 447.403, F.S.; revising language with respect to the resolution of impasses; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator McKay—

CS for SB 2158—A bill to be entitled An act relating to Medicaid reimbursement; amending s. 400.051, F.S.; prescribing exemptions from provisions regulating nursing homes; amending s. 409.905, F.S.; eliminating a restriction on certain hospitals participating in a Medicaid program; changing the date by which the department must monitor and evaluate the waiver program; specifying information to be included in the evaluation; providing for Medicaid reimbursement for services provided in certain skilled nursing facilities operated by such hospitals; amending s. 409.908, F.S.; providing for the rate of payment of such reimbursement; providing a limitation; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Hargrett—

CS for SB 2218—A bill to be entitled An act relating to international affairs; amending s. 120.54, F.S.; requiring an agency to prepare an economic impact statement if a proposed rule adoption, amendment, or repeal would result in significant adverse effects on international trade; transferring, renumbering, and amending s. 229.6053, F.S.; replacing the Florida Commission on International Education with the Florida Council on International Affairs within the Florida International Affairs Commission; providing for membership, terms, meetings, and travel and per diem expenses; requiring a study of existing foreign language programs; requiring a report regarding the creation of a foreign language institute; deleting provisions for accepting gifts, grants, donations, expenses, or other valued goods or services; deleting provisions for providing an annual business and financial transaction report; amending s. 229.6056, F.S.; requiring that the Florida International Affairs Commission evaluate certain educational outreach activities in Latin America and the Caribbean basin; transferring, renumbering, and amending s. 240.137, F.S.; creating Florida linkage institutes within the Florida International Affairs Commission, rather than within the Department of Education; revising the purposes of those institutes; requiring that institutes ensure minority student participation; revising the membership of the advisory committees of the institutes; revising and creating such institutes; providing for agreements by institutes regarding tuition and fees of students participating in exchange programs; requiring that appropriations for linkage institutes be made by a single lump-sum line item to the Florida International Affairs Commission; deleting a requirement that state-funded grants to individual institutes be approved by the commission; amending s. 288.803, F.S., relating to the Florida International Affairs Commission; adding a representative of the Small and Minority Business Advisory Council to the commission; deleting requirements that have been met; amending s. 288.804, F.S.; revising the duties of the Florida International Affairs Commission; requiring certain studies and reports; specifying the rulemaking procedure to be followed; amending s. 288.805, F.S.; deleting requirements for formulating a strategic plan for international economic development in the state; amending s. 288.811, F.S., relating to the Florida International Trade and Investment Council; providing requirements for one member; deleting certain requirements that have been met; requiring an analysis and a report; amending s. 288.815, F.S.; authorizing that the Office of the Executive Director of the Florida International Affairs Commission create a data base of international programs at the

International Trade Data Resource and Research Center; requiring that office to publish a promotional brochure; amending s. 288.817, F.S.; deleting a requirement that the Office of the Executive Director of the Florida International Affairs Commission administer the operation of and provide funding to the International Language Institute Advisory Council; requiring that the Office of the Executive Director of the Florida International Affairs Commission select international education programs for achievement of national prominence; requiring a report on international education in the state; requiring agencies that have international programs to establish in their legislative budget requests a separate fiscal category for that program; repealing s. 229.605, F.S., which provides for the creation and duties of the Office of International Education of the Department of Education; repealing s. 229.6051, F.S., which provides for additional duties of the Office of International Education; repealing s. 288.818, F.S., which provide for the creation, membership, and duties of the International Language Institute Advisory Council; providing an effective date.

By the Committee on Transportation and Senator Johnson—

CS for SB 2224—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.003, defining the term "tandem axle"; amending 316.302, F.S.; conforming to federal regulations; amending s. 316.515, F.S.; revising language with respect to maximum width, height, and length limitations for certain vehicles; amending s. 316.516, F.S.; revising language with respect to penalties for violation of width, height, and length limitation; providing for penalties by rule; amending s. 316.545, F.S.; revising language with respect to weight tolerance and the enforcement of weight laws; providing for weight inspection; amending s. 316.550, F.S.; prohibiting the operation of oversize or overweight vehicles without special permits; providing criteria to be contained in permits; providing penalties; providing for the disposition of penalties; amending s. 316.655, F.S.; conforming to the act with respect to penalties; amending s. 316.70, F.S.; providing a definition of "nonpublic-sector bus"; revising safety standards relating to nonpublic-sector buses; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Hargrett—

CS for SB 2382—A bill to be entitled An act relating to economic development; creating s. 288.046, F.S.; providing legislative intent; creating s. 288.047, F.S.; creating the Quick-Response Training Program to be administered by the Department of Commerce in conjunction with the Department of Education; providing responsibilities; creating a Quick-Response Advisory Committee to assist in the administration of the program; providing for membership; providing for appointment; providing for duties; providing for allocation of funds; providing for written agreements; providing authority to accept certain grants and donations; providing for the procurement and maintenance of equipment; providing certain public records exemptions and for future review and repeal thereof; providing legislative intent; providing definitions; creating the Enterprise Florida Innovation Partnership; providing for purpose and membership; providing for organization; providing for powers and authority; providing for authorized programs; providing for the Florida Innovation Alliance; providing for the Florida Technology Investment Fund; providing for technology commercialization programs; providing for audits and confidentiality; providing for indemnification; repealing s. 229.8053, F.S.; relating to the Florida High Technology and Industry Council; providing for the incorporation of the Florida High Technology and Industry Council as a not-for-profit corporation; amending s. 240.539, F.S.; providing that the Board of Regents may invest moneys for advanced technology research to the Enterprise Florida Innovation Partnership; deleting language relating to the Florida High Technology and Industry Council; creating s. 220.191, F.S.; providing legislative intent; creating s. 220.192, F.S.; providing a credit against the tax for businesses that incur expenses to relocate to, or retool in, Florida to fulfill requirements of a defense contract, or to convert existing defense-related jobs to civilian commercial jobs; providing limitations; providing for carryover of unused credits; requiring approval of the Secretary of Commerce; providing application procedures and requirements; requiring monitoring of businesses granted a credit; providing for assessment of amounts granted as credit if the business fails to create the required number of jobs; providing duties of the Department of Revenue; providing for expiration;

amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 120.54, F.S., relating to rulemaking; requiring that a state agency prepare an economic impact statement upon the written request of the Division of Economic Development of the Department of Commerce; deleting certain rulemaking requirements relating to small businesses; amending s. 288.063, F.S., relating to contracts for transportation projects of the Division of Economic Development of the Department of Commerce; deleting some obsolete dates; providing for the transfer of funds upon the commencement of the construction of the transportation project; providing for certain rules; providing an additional requirement in selecting projects; providing for monitoring of construction of the transportation project; amending s. 288.701, F.S.; revising and adding to the duties of the Division of Economic Development of the Department of Commerce; amending s. 288.703, F.S.; revising the definition of the term "ombudsman" for purposes of the duties of the Division of Economic Development; repealing s. 29, ch. 92-136, Laws of Florida, relating to the Sunshine State Skills Program; repealing s. 31, ch. 92-136, Laws of Florida, relating to the industry services training program; repealing s. 288.1161, F.S., relating to Sports Advisory Council; amending s. 288.03, F.S.; providing for the creating of the Florida State Rural Development Council; amending s. 20.17, F.S.; abolishing the Sports Advisory Council within the Department of Commerce; revising the membership of the direct-support organization that assists the department in promoting and developing the sports industry; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 46 and CS for SB 920, which he approved on March 19, 1993.

The Governor advised that he had filed with the Secretary of State SB 894, which became law without his signature on March 20, 1993.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 55, CS for HB 113, CS for CS for HB 137, CS for HB 163, CS for HB 257, HB 275, CS for HB 279, CS for HB 401, HB 403, CS for HB 407, HB 861, HB 867, CS for HB 1007, HB 1067, CS for HB 1083, CS for HB 1439, HB 1791, HB 1895, HB 2017, HB 2041, HB 2057, HB 2273, HB 2287, HB 2307; has passed as amended CS for HB 27, CS for HB 111, HB 211, HB 501, CS for HB 565, CS for HB's 621 and 1211, HB 781, HB 871, CS for HB's 949 and 1445, CS for CS for HB 1429, HB 1679, CS for CS for HB 1751, HB 1813, HB 1815, HB 1991, HB 1995, HB 2065 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary and Representative Abrams—

CS for HB 55—A bill to be entitled An act relating to Dade County; providing for the relief of Raul Gutierrez and Julia Gutierrez, parents of the decedent, Rabsary Gutierrez; authorizing and directing the Dade County School Board to compensate them for the loss of their daughter, Rabsary Gutierrez, as a result of the negligence of the Dade County School Board; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Judiciary and Representative Bitner—

CS for HB 113—A bill to be entitled An act providing for the relief of Robert Connors and Rose Bean, on behalf of Jason Crisante, surviving son of Cathy Connors Crisante, who died as a result of an accident involving a Charlotte County Sheriff's Department vehicle; providing an appropriation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committees on Finance and Taxation; and Aging and Human Services; and Representative Wise—

CS for CS for HB 137—A bill to be entitled An act relating to substance abuse impairment; creating ss. 397.301, 397.305, 397.311, 397.321, 397.401, 397.403, 397.405, 397.406, 397.407, 397.409, 397.411, 397.415, 397.419, 397.427, 397.431, 397.451, 397.461, 397.471, 397.481, 397.501, 397.581, 397.601, 397.675, 397.6751, 397.6752, 397.6758, 397.6759, 397.677, 397.6771, 397.6772, 397.6773, 397.6774, 397.6775, 397.679, 397.6791, 397.6793, 397.6795, 397.6797, 397.6798, 397.6799, 397.681, 397.6811, 397.6814, 397.6815, 397.6818, 397.6819, 397.6821, 397.6822, 397.693, 397.695, 397.6951, 397.6955, 397.6957, 397.697, 397.6971, 397.6975, 397.6977, 397.701, 397.702, 397.705, 397.706, 397.752, 397.753, 397.754, 397.801, 397.811, 397.821, and 397.901, F.S.; creating the "Hal S. Marchman Alcohol and Other Drug Services Act of 1993"; providing legislative findings, intent, and purpose; providing definitions; providing duties of the Department of Health and Rehabilitative Services; providing licensure requirements, including applications, fees, and exemptions, and providing criminal penalties and injunctive relief for violations; providing for joint regulation of certain state-operated programs; providing for rules waivers for alternative services; providing for the issuance and renewal of probationary, interim, and regular licenses for service providers and licensable service components; authorizing the department to enter and inspect premises and records; providing for denial, suspension, and revocation of licenses and for other remedies, including an administrative fine; requiring service providers to maintain quality assurance programs; providing for confidentiality of service provider records; providing for review and appeal; providing for needs assessments and selection of medication treatment service providers and injunctions against unlawful operation; authorizing nurses to issue take-out methadone in certain circumstances; providing client responsibility for cost of services and requiring certain providers to establish sliding scale fee systems; providing immunity from civil and criminal liability; requiring background checks of service provider personnel in direct contact with unmarried minor clients or developmentally disabled clients, and providing certain exemptions and certain disqualification from receiving state funds; providing criminal penalties for unlawful activities relating to personnel; requiring fingerprinting and providing exceptions; providing for confidentiality of personnel information; providing for review and appeal; establishing service provider owner, director, personnel, and facility standards; providing applicability of Community Alcohol, Drug Abuse, and Mental Health Services Act; establishing the rights of clients, including the rights to judicial petition and habeas corpus and to counsel; providing for confidentiality of client records and providing exceptions; providing for review and appeal; providing voluntary admissions procedures for substance abuse impairment services; forbidding local ordinances affecting substance abuse impairment and providing a limited exception and petition for detention and treatment in secure facilities of habitual abusers; providing involuntary admissions procedures for substance abuse services, including protective custody, emergency admission, and other involuntary admissions procedures for purposes of assessment, stabilization, and treatment; providing for involuntary admission hearings; requiring certain parental participation; providing service provider responsibilities regarding involuntary admissions; providing criminal penalties for unlawful activities relating to client assessment and treatment; providing for the referral of substance abuse law offenders to service providers; providing for inmate substance abuse services and providing definitions and duties of the Department of Corrections; requiring coordination of substance abuse services delivery and establishing the positions of statewide and departmental coordinators; providing for specialized substance abuse services coordination for juveniles, including prevention and early intervention councils and emergency assessment and treatment services; requiring evaluations and treatment outcome reporting; authorizing local funding; requiring certain rulemaking; authorizing substance abuse impairment training and continuing education programs; reenacting and amending ss. 39.01(64), 39.046(1), (2), and (5), 39.047(4)(b), 39.063, 90.503(1)(a), 231.1713, 393.0657, 394.4572, 401.445(3), 402.22(3), 402.24(1), 402.3057, 409.1757, 490.014(2)(a), 491.014, (4)(a), 744.3215(4)(a), 766.101(1)(a), 790.06(2)(f) and (10)(e), 877.111(4), 893.15, 895.09(2)(a), (d), and (e), 945.12(1) and (2), and 951.23(2)(b) and (e), F.S., relating to juvenile justice, evidence, school personnel, developmental disability and mental health personnel, medical transportation, health and rehabilitative services, social assistance, psychological services, counseling services, guardianship, medical review committees, weapons and firearms, chemical substances, controlled substances, forfeiture proceed-

ings, and state and county prisoners, to conform; amending s. 394.90, F.S.; authorizing the department to accept accreditation for mental health providers in lieu of department inspection; repealing ss. 396.012, 396.022, 396.0429, 396.062, 396.072, 396.082, 396.092, 396.102, 396.105, 396.106, 396.112, 396.122, 396.131, 396.141, 396.151, 396.1515, 396.161, 396.173, 396.174, 396.175, 396.176, 396.177, 396.178, 396.179, 396.1815, 396.182, 396.052, 396.172, 396.1725, 396.032, 396.042, 396.0427, 396.181, 396.0425, 396.0815, 396.125, 396.1819, 396.1816, 396.1817, and 396.1818, F.S., relating to alcoholism; repealing ss. 397.011, 397.021, 397.031, 397.041, 397.051, 397.0515, 397.0516, 397.0517, 397.0518, 397.052, 397.0525, 397.053, 397.054, 397.055, 397.056, 397.057, 397.061, 397.071, 397.0715, 397.0716, 397.0719, 397.081, 397.082, 397.091, 397.092, 397.093, 397.094, 397.095, 397.0961, 397.098, 397.099, 397.10, 397.12, 397.13, 397.14, 397.15, 397.16, 397.17, 397.18, 397.19, 397.20, 397.21, 397.215, 397.216, 397.217, 397.218, and 397.22, relating to the treatment and rehabilitation of drug dependents; repealing sections 28 and 29 of ch. 83-245, Laws of Florida, and section 27 of ch. 88-398, Laws of Florida; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations.

By the Committee on Judiciary and Representative Tobin—

CS for HB 163—A bill to be entitled An act relating to Broward County; providing for the relief of Daniel Baker, to compensate him for serious and permanent personal injuries sustained as a result of the negligence of an employee of Broward County; providing for payment by the Board of County Commissioners of Broward County; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Criminal Justice and Representative Feren and others—

CS for HB 257—A bill to be entitled An act relating to a pretrial intervention program; amending s. 948.08, F.S.; expanding the program for limited purposes under certain circumstances; providing procedure; providing an effective date.

—was referred to the Committees on Criminal Justice; Corrections, Probation and Parole; and Appropriations.

By Representatives Schultz and Trammell—

HB 275—A bill to be entitled An act relating to Broward County; providing for the relief of Angela Lee Nelson and Carl Nelson, as natural parents of Brittany Lee Nelson, the latter who sustained injuries as a result of the negligence of the South Broward Hospital District, d.b.a. Memorial Hospital; providing an appropriation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Judiciary and Representative Sanderson—

CS for HB 279—A bill to be entitled An act for the relief of Diane Stamper; providing an appropriation to compensate her for injuries she sustained in an accident caused by the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was referred to the Special Master; and the Committees on Finance, Taxation and Claims; and Appropriations.

By the Committee on Judiciary and Representative Rush—

CS for HB 401—A bill to be entitled An act for the relief of Steven Tomesko; providing an appropriation to compensate him for injuries he received due to the negligence of the Department of Transportation; providing an effective date.

—was referred to the Special Master; and the Committees on Finance, Taxation and Claims; and Appropriations.

By Representative Barreiro and others—

HB 403—A bill to be entitled An act for the relief of Denise Parmenier; providing an appropriation to compensate her for severe facial injuries sustained due to the negligence of the Department of Transportation; providing an effective date.

—was referred to the Special Master; and the Committees on Finance, Taxation and Claims; and Appropriations.

By the Committee on Commerce and Representative Davis—

CS for HB 407—A bill to be entitled An act relating to public construction projects; creating s. 255.071, F.S.; providing for payment of sub-contractors, sub-subcontractors, materialmen, and suppliers on public jobs; providing for an evidentiary hearing when undisputed payments are not made; providing remedies for nonpayment; providing an effective date.

—was referred to the Committees on Governmental Operations, Judiciary and Appropriations.

By Representative Geller—

HB 861—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending ss. 7(9)(h), 7(10)(g), and 7(10)(j), ch. 92-244, Laws of Florida; correcting scrivener's error in legal descriptions of road rights-of-way transferred to Broward County; amending s. 8, ch. 67-904, Laws of Florida, as amended; correcting scrivener's error in legal description of boundaries of South Broward Drainage District as provided by s. 12, ch. 92-244, Laws of Florida; amending s. 10(2), ch. 67-904, Laws of Florida, as amended; correcting scrivener's error in number of members of the District's Board as provided by s. 13, ch. 92-244, Laws of Florida; amending s. 19, ch. 67-904, Laws of Florida, as amended; revising the date that the Secretary or Manager of the District shall prepare a proposed budget to be submitted to the District's Board for their approval to be compatible with general law; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Geller—

HB 867—A bill to be entitled An act relating to Broward Performing Arts Center Authority; amending chapter 84-396, Laws of Florida, as amended; increasing the membership of the authority from 9 to 13 members; changing the appointing governmental entity for certain members; providing for an executive committee and its composition and power; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Feren—

CS for HB 1007—A bill to be entitled An act relating to the Cities of Lauderhill and Plantation, Broward County; placing five parcels of land within the corporate limits of the City of Plantation into the City of Lauderhill and placing one parcel of land presently within the City of Lauderhill into the City of Plantation, to redefine such cities' common boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Merchant—

HB 1067—A bill to be entitled An act relating to the South Lake Worth Inlet District, Palm Beach County; amending section 5 of chapter 7080, Laws of Florida, 1915, as amended, deleting moot provision for damage or injury occurring as a result of the construction and opening of the inlet completed in 1927; providing for effect and severability; providing for prospective application only; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Tourism and Economic Development; and Representative Tedder and others—

CS for HB 1083—A bill to be entitled An act relating to statues; providing for the replacement of a statue representing the State of Florida in the United States Capitol Building, requiring the replacement statue to be commissioned and paid for by a specified citizen-support organization and to meet all federal requirements prior to such replacement; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Agriculture and Consumer Services; and Representative Harris—

CS for HB 1439—A bill to be entitled An act relating to packaged ice plants; amending s. 500.509, F.S.; specifying packaged ice label contents; providing a definition; providing for a single permit under certain circumstances; revising operating standards; prohibiting the imposition of criminal penalties under certain circumstances; providing an effective date.

—was referred to the Committee on Agriculture.

By Representative Boyd—

HB 1791—A bill to be entitled An act relating to Alachua County; repealing Chapter 73-401, Laws of Florida; abolishing the Alachua County Public Facilities Authority; providing for transfer of the records, property, assets, and obligations of the authority to Alachua County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Tourism and Economic Development; and Representative Reddick and others—

HB 1895—A bill to be entitled An act relating to historical and archaeological resources; amending s. 267.13, F.S., which specifies prohibited practices relating to conduct of field investigations and removal or defacing of sites or specimens on state lands or state archaeological landmarks without authorization; increasing the penalty for engaging in such practices by means other than excavation; providing a penalty for engaging in such practices by means of excavation; providing a penalty for the sale of illegally collected objects or for employing another to violate ss. 267.11-267.14, F.S., or to sell, purchase, or transport archaeological resources illegally; providing for forfeiture of vehicles, equipment, and materials collected; providing for restitution; increasing the penalty for reproducing or forging certain archaeological or historical objects or misrepresenting objects as genuine specimens; amending s. 872.05, F.S.; revising the definition of "unmarked human burial" for purposes of provisions which regulate the discovery and excavation thereof and which provide penalties with respect thereto; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By the Committee on Criminal Justice and Representative Martinez—

HB 2017—A bill to be entitled An act relating to sentencing guidelines; providing for legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

By the Committee on Governmental Operations and Representative Boyd—

HB 2041—A bill to be entitled An act relating to public records concerning insurance; amending ss. 627.091 and 627.111, F.S.; correcting references; amending s. 627.101, F.S., relating to review and approval or disapproval by the Department of Insurance of workers' compensation and employer's liability insurance rate filings; removing provisions relating to a public inspection period; removing erroneous language; amending s. 627.371, F.S.; removing an exemption from public records requirements for notices of noncompliance to entities engaging in joint underwriting or joint reinsurance; amending ss. 627.4106, 627.912, 627.9122, and 627.9126, F.S., which provide exemptions from public records requirements for small employer carriers' information, reports regarding professional and officers' and directors' liability claims, and liability insurers' annual reports; amending s. 627.351, F.S., which provides an exemption from public records requirements for Joint Underwriting Association claim files; revising the exemption; amending s. 627.736, F.S., which provides an exemption from public records requirements for reports regarding personal injury protection policies received by the Department of Highway Safety and Motor Vehicles; revising the exemption; saving these exemptions from repeal; providing for future review and repeal; repealing s. 629.401(6)(b)13, F.S., which provides for confidentiality of insurance exchange examination or investigation reports; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Aging and Human Services; and Representative Glickman—

HB 2057—A bill to be entitled An act relating to child care; saving ss. 402.301, 402.302, 402.3025, 402.305, 402.3055, 402.306, 402.307, 402.308, 402.309, 402.310, 402.311, 402.312, 402.3125, 402.313, 402.314, 402.315, 402.316, 402.318, and 402.319, F.S., relating to licensure of child care facilities and family day care homes, from Sunset repeal; providing for future review and repeal; saving ss. 409.145 and 409.165, F.S., relating to programs for alternate care for dependent children, from Sunset repeal; providing for future review and repeal; providing an effective date.

(Substituted for **SB 308** on the Special Order Calendar this day.)

By the Committee on Governmental Operations and Representative Boyd—

HB 2273—A bill to be entitled An act relating to confidentiality of records relating to entities regulated by the Department of Insurance; amending ss. 634.045 and 634.4065, F.S., which provide exemptions from public records requirements for filings made by guarantee organizations for motor vehicle service agreement companies and service warranty associations; saving the exemptions from repeal; amending s. 634.201, F.S.; revising provisions which specify that information relating to a hearing for revocation or suspension of a license or appointment of a motor vehicle service agreement salesman is not subject to subpoena, to provide that such information is confidential and exempt from s. 119.07(1), F.S.; amending ss. 634.348 and 634.444, F.S., which provide exemptions from public records requirements for investigatory records of the department relating to home warranty and service warranty associations; revising the exemptions and saving them from repeal; providing for future review and repeal; providing an effective date.

(Substituted for **CS for SB 914** on the Special Order Calendar this day.)

By the Committee on Governmental Operations and Representative Boyd—

HB 2287—A bill to be entitled An act relating to the confidentiality of information pertaining to insurance companies; amending s. 625.121, F.S., which provides an exemption from public records requirements for memoranda supporting actuarial opinions; revising the exemption and saving it from repeal; amending ss. 631.398, 631.62, and 631.723, F.S., which provide exemptions from public records requirements for certain information relating to the insolvency or impairment of insurance companies; revising the exemptions and saving them from repeal; amending s. 631.724, F.S., which provides exemptions from public records and public meeting requirements for certain records and meetings of the Florida Life and Health Insurance Guaranty Association; revising the exemptions and saving them from repeal; providing for future review and repeal; repealing s. 631.398(2)(b), F.S., which requires the Department of Insurance to furnish certain early warning tests to insurance guaranty associations and provides for confidentiality; providing an effective date.

(Substituted for **CS for SB's 990 and 1076** on the Special Order Calendar this day.)

By the Committee on Governmental Operations and Representative Boyd—

HB 2307—A bill to be entitled An act relating to confidentiality of information relating to bail bondsmen; amending s. 648.26, F.S.; revising provisions which specify that investigatory records of the Department of Insurance are not subject to subpoena, to provide that such records are confidential and exempt from s. 119.07(1), F.S.; amending s. 648.266, F.S., which provides an exemption from public records requirements for information relating to pretrial release obtained by the Bail Bond Advisory Council; amending ss. 648.34, 648.37, 648.39, and 648.41, F.S.; revising provisions which specify that character and credit reports regarding bail bondsmen and runners and information relating to termination of appointment of such persons is privileged and inadmissible as evidence, to provide that such information is confidential and exempt from s. 119.07(1), F.S.; amending s. 648.46, F.S.; revising an exemption from public records requirements for information relating to department investigations of licensees; saving the exemptions from repeal; providing for future review and repeal; providing an effective date.

(Substituted for **CS for SB 1072** on the Special Order Calendar this day.)

By the Committee on Natural Resources and Representative Albright and others—

CS for HB 27—A bill to be entitled An act relating to state-owned conservation and recreation lands; amending s. 253.023, F.S.; requiring the Department of Natural Resources to allow, and authorizing the department to manage and control, rhesus monkeys on state-owned land in Marion County in certain circumstances; requiring the chief epidemiologist of the Department of Health and Rehabilitative Services to review the management plan to recommend minimizing health risks; providing for relocation with approval of a relocation oversight committee; authorizing subcontracting; requiring the appointment of a board to develop a management plan; providing for the membership of the board; allowing the department to levy a surcharge on visitors on state-owned lands to pay the costs of managing the monkeys; requiring the surcharge to be proportionate to entrance fees at the park; requiring the department to seek private funding sources to pay the costs of managing the monkeys and to identify private funding sources in the management plan; designating that all private funds and surcharge funds collected be deposited in the State Park Trust Fund; providing nonapplicability of the act to certain other existing authority and existing contractual agreement of the department; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By the Committee on Judiciary and Representative Geller and others—

CS for HB 111—A bill to be entitled An act relating to venue in criminal cases; amending s. 910.03, F.S.; authorizing the court to give priority, upon motion, to demographic composition similarity after ordering a change of venue; providing an effective date, and providing applicability to pending cases.

—was referred to the Committees on Criminal Justice and Judiciary.

By Representative Mitchell and others—

HB 211—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; providing definitions; amending s. 370.0605, F.S.; deleting requirements for increased fees for residents of states contiguous to Florida; providing an exemption from requirements to obtain a saltwater fishing license; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

By Representatives Lawson and Burke—

HB 501—A bill to be entitled An act relating to judgments of adoption; amending s. 63.172, F.S.; providing for inheritance and grandparental rights when a child is adopted by a close relative; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Natural Resources and Representative Rudd and others—

CS for HB 565—A bill to be entitled An act relating to state lands; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain duties or obligations to the Division of State Lands of the Department of Natural Resources; amending s. 253.025, F.S.; clarifying procedures and duties related to acquiring state lands; authorizing reimbursement of certain costs related to the purchase of lands by the state; amending s. 259.101, F.S.; providing for disposition or alternate use of certain public lands; prohibiting disposition of such lands under certain circumstances; authorizing the Department of Community Affairs to conduct a pilot project; authorizing the Department of Community Affairs and Walton County to enter into a contract with a non-profit organization; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Governmental Operations.

By the Committee on Judiciary and Representative Brown and others—

CS for HB's 621 and 1211—A bill to be entitled An act relating to parent-child tort immunity; stating purpose; abrogating the common law doctrine with regard to certain actions founded on abuse or sexual battery; precluding applicability to reasonable parental discipline; authorizing appointment of a guardian ad litem for the child; providing for applicability, attorney's fees, and severability; providing an effective date.

—was referred to the Committees on Judiciary and Appropriations.

By Representative Arnall and others—

HB 781—A bill to be entitled An act relating to the St. Augustine Port, Waterway and Beach District, St. Johns County; amending s. 14, ch. 18879, Laws of Florida, 1937, as amended; staggering terms of office of commissioners of the district; changing commissioners' terms of office; providing voting requirements and election procedures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Glickman—

HB 871—A bill to be entitled An act relating to forcible felonies; amending s. 794.011, F.S.; providing a definition and providing technical changes; deleting an evidentiary provision and incorporating into the sexual battery section the substance of s. 794.041, F.S., relating to the offense of sexual activity with a child by or at solicitation of a person in familial or custodial authority and deleting an age minimum for the solicitation offense; repealing s. 794.041, F.S.; amending s. 787.02, F.S.; deleting a provision that precludes the offense from being a lesser included offense for purposes of s. 787.01, F.S., which establishes the offense of kidnapping, and reenacting s. 910.14, F.S., relating to kidnapping, to incorporate said amendment in a reference thereto; reenacting and amending ss. 39.001(3)(b), 39.076(3) and (5)(a), 39.4105(5), 110.1127(3)(a)1. and (3)(b)1.a., 242.335(3)(a)1., 393.0655(1) and (3)(a)1., 394.457(6)(a) and (6)(c)1.a., 396.0425(1) and (3)(a)1., 397.0715(1) and (3)(a)1., 402.305(2)(a) and (2)(c)1.a., and 409.175(4)(a)6. and (4)(a)8.a.(I), F.S., relating to juvenile program personnel screening, grandparental visitation, employee security checks, and personnel screening for the Florida School for the Deaf and the Blind, developmental disabilities caretakers, mental health and substance abuse treatment personnel, and child care and family foster home personnel, to incorporate the amendments to ss. 794.011 and 794.041, F.S., in references thereto, and to conform to said amendments; reenacting ss. 775.15(7), 794.005, 794.023(2), 800.04(3), 903.133, 914.16, 944.033(3), 945.091(3), 946.40(4), 951.24(2)(c), and 958.09(2), F.S., relating to time limitations, basic charge of sexual battery, sexual battery by multiple perpetrators, lewd or indecent conduct in presence of a child, bail on appeal, sexual abuse victims under age 16, community correctional centers, use of prisoners in public works, and extensions of limits of confinement for inmates, to incorporate the amendment to s. 794.011, F.S., in references thereto; amending s. 794.022, F.S., to incorporate and conform to the amendments to ss. 794.011 and 794.041, F.S.; adding an evidentiary provision, and reenacting s. 90.404(1)(b)1., F.S., relating to character evidence, to incorporate said amendment in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By the Committee on Community Affairs and Representative Ritchie and others—

CS for HB's 949 and 1445—A bill to be entitled An act relating to compensation of public officials; amending ss. 145.011, 145.012, 145.131, and 145.16, F.S.; revising provisions concerning intent; removing from provisions of law which govern compensation of county officers, references to the superintendent of schools and to school board members; clarifying that the county comptroller is subject to such sections of law; deleting authorization to fix salaries of district school board members by special or local law; amending s. 145.031, F.S.; providing for certain boards of county commissioners to set their own salaries; providing for refusal of compensation; requiring salary warrants to reflect accepted salary and to allow for requested deductions; amending s. 145.17, F.S.; providing for refusal of compensation by certain local officials; requiring salary warrants to reflect accepted salary and to allow for requested deductions; amending s. 230.202, F.S.; providing for payment of specified salaries and ratification of previously paid salaries; providing for district school boards to set their own salaries by majority vote; prohibiting certain laws pertaining to their compensation; providing for refusal of compensation; requiring salary warrants to reflect accepted salary and to allow for requested deductions; amending s. 230.303, F.S.; enabling superintendents of schools to refuse a salary; requiring salary warrants to reflect accepted salary and to allow for requested deductions; providing for payment of specified salaries and ratification of previously paid salaries; prohibiting certain laws pertaining to their compensation; repealing local or special laws or general laws of local application which relate to compensation of district school board members; amending s. 230.201, F.S., to conform; amending s. 11.13, F.S.; repealing a provision for annual adjustment in the salaries of members of the Legislature and setting forth their current salaries; providing for refusal of compensation; requiring salary warrants to reflect accepted salary and to allow for requested deductions; repealing s. 145.19, F.S., relating to annual adjustments in county officers' salaries; providing effective dates.

—was referred to the Committees on Community Affairs; Personnel, Retirement and Collective Bargaining; Rules and Calendar; and Appropriations.

By the Committees on Appropriations and Criminal Justice and Representative Gordon and others—

CS for CS for HB 1429—A bill to be entitled An act relating to disruption of lawful activity; creating s. 870.08, F.S.; providing definitions, criminal acts, and penalties for disruption of certain lawful activities relating to medical facilities; providing enhanced penalties for repeat violations; providing that certain conduct within 1,000 feet of a medical facility violates certain existing statutes; providing the right of self-defense under specified conditions; providing that this section supplements other statutes; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By Representative Roberts and others—

HB 1679—A bill to be entitled An act relating to information technology resources; amending s. 287.073, F.S.; expanding the membership of the Information Technology Resource Procurement Advisory Council; requiring agencies to provide the advisory council with statements of compliance or noncompliance with council recommendations; eliminating specified approval of certain agency information technology resources procurements; amending s. 287.063, F.S.; removing an exemption from specified approval of equipment acquisition through a lease or deferred payment purchase arrangement; amending s. 282.313, F.S.; eliminating specified data processing councils and establishing data processing policy boards; providing board membership and functions; amending s. 216.272, F.S.; authorizing the creation of reserve accounts within the Working Capital Trust Fund; authorizing the Division of Purchasing of the Department of Management Services to implement a pilot project; requiring the division to develop specified criteria with respect to the purchasing of information technology resources; requiring the division to develop model contracts for information technology resources acquisitions; providing for reports by the division; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By the Committees on Governmental Operations and Natural Resources and Representative Wallace and others—

CS for CS for HB 1751—A bill to be entitled An act relating to the merging of the Department of Natural Resources and the Department of Environmental Regulation; providing a declaration of policy; creating the Department of Environmental Protection and transferring the Department of Natural Resources and the Department of Environmental Regulation to such department; providing for the appointment and establishment of the head of the department; establishing divisions within the department; providing for future review and repeal; amending ss. 253.002, 259.035, and 370.017, F.S.; conforming certain provisions; transferring the Department of Natural Resources, the Department of Environmental Regulation, including the Environmental Regulation Commission to the new department; transferring the Marine Fisheries Commission to the Board of Trustees of the Internal Improvement Trust Fund; organizing the Department of Environmental Protection as a single budget entity; requiring the department to report to the 1994 Legislature with certain recommendations; providing content of the report; mandating savings in the areas of executive direction and administration; repealing ss. 20.25 and 20.261, F.S., relating to the Department of Natural Resources and the Department of Environmental Regulation, respectively; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Governmental Operations; and Appropriations.

By the Committee on Regulated Industries and Representative Minton—

HB 1813—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.025, F.S.; providing for deposit and disposition of fees; amending s. 561.19, F.S.; revising time limits for beverage license appli-

cants to take certain actions; amending s. 561.20, F.S.; revising prohibitions against the award of new licenses to holders of existing licenses; amending s. 561.23, F.S.; deleting the requirement that a triplicate license be forwarded to the district office in the county in which the license is located; amending s. 561.33, F.S.; providing fees for change of licensee name or location; amending s. 561.501, F.S.; revising the formula for assessing penalties; adding interest charges; establishing criteria for determining taxpayer liability; repealing s. 561.12, F.S., providing for deposit of revenues; creating the Alcoholic Beverage Surcharge Study Committee; providing for membership; providing duties and responsibilities; requiring a report to the Governor, Speaker of the House and President of the Senate; amending s. 567.06, F.S., specifying ballot content; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; Appropriations; and Rules and Calendar.

By the Committee on Regulated Industries and Representative Minton—

HB 1815—A bill to be entitled An act relating to gaming; creating s. 14.27, F.S.; creating the Indian Gaming Commission within the Executive Office of the Governor; providing for membership and powers and duties; providing that the commission shall be the means by which the state may implement the provisions of the Indian Gaming Regulatory Act; creating s. 285.20, F.S.; providing for gaming activities on Indian lands and tribal-state gaming compacts governing certain forms of gaming activity; creating s. 849.47, F.S.; providing for gaming on Indian lands; providing an effective date.

—was referred to the Committees on Governmental Operations and Commerce.

By the Committee on Regulated Industries and Representative Minton—

HB 1991—A bill to be entitled An act relating to taxation on jai alai games; creating s. 550.09511, F.S.; providing for taxes on jai alai; providing for an abandoned interest in a permit for nonpayment of taxes; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By the Committee on Regulated Industries and Representative Minton—

HB 1995—A bill to be entitled An act relating to taxation on quarterhorse live races; creating s. 550.09513, F.S.; providing for taxes with respect to quarterhorse racing; providing for an abandoned interest in a permit for nonpayment of taxes; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By the Committee on Aging and Human Services; and Representative Gordon—

HB 2065—A bill to be entitled An act relating to long-term care ombudsmen; creating s. 400.0060, F.S.; providing definitions; creating ss. 400.0061 and 400.0063, F.S.; providing legislative intent; establishing the Office of State Long-Term Care Ombudsman; providing for designation of ombudsman and legal advocate; creating s. 400.0065, F.S.; providing ombudsman duties and responsibilities; creating s. 400.0067, F.S.; establishing the State Long-Term Care Ombudsman Council; providing membership and duties; providing for initial appointments and meeting; providing for conflicts of interest; providing for separate appropriations; renumbering and amending s. 400.307, F.S.; establishing the district long-term care ombudsman councils; revising membership and duties; providing for administrative support of the Department of Health and Rehabilitative Services; providing for conflicts of interest; renumbering and amending s. 400.314, F.S., relating to state and district ombudsman coun-

cil investigations; renumbering and amending s. 400.317, F.S., relating to complaint resolution procedures; authorizing state and district ombudsman councils to seek immediate legal or administrative remedies, under certain circumstances; renumbering and amending s. 400.321, F.S.; revising provisions relating to confidentiality; providing for rules relating to disclosure of files; renumbering and amending s. 400.324, F.S.; providing immunity from liability for official actions of the ombudsman or council members; creating s. 400.0081, F.S.; providing for access to facilities, residents, and records; creating s. 400.0083, F.S.; prohibiting interference with persons performing ombudsman duties; prohibiting retaliation against persons reporting to ombudsman representatives; providing penalties; creating s. 400.0087, F.S.; providing for oversight duties of the Department of Elderly Affairs; creating s. 400.0089, F.S.; providing for a uniform data collection and reporting system; requiring biennial reports; creating s. 400.0091, F.S.; establishing a training program for persons carrying out responsibilities of the ombudsman or state or district ombudsman councils; renumbering ss. 400.311 and 400.327, F.S., relating to complaint procedures and penalty; amending ss. 20.41, 394.715, 395.3025, 400.19, 400.407, 400.417, 400.434, 400.441, 402.165, and 415.106, F.S.; conforming language and correcting cross references; amending s. 400.021, F.S.; revising definitions; repealing ss. 400.301, 400.304, and 400.308, F.S., relating to legislative intent and the establishment of the State Nursing Home and Long-Term Care Facility Ombudsman Council and the Legal Advocate for Nursing Home and Long-Term Care Facility Residents; saving pt. I of ch. 400, F.S., from Sunset repeal; saving s. 400.307, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

(Substituted for CS for SB 302 on the Special Order Calendar this day.)

RETURNING MESSAGES ON SENATE BILLS

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 6 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 6—A bill to be entitled An act relating to road designations; designating a portion of Highway A1A in Brevard County as the Flagg Hartmann Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 1—On page 1, lines 17 and 18, strike all of said lines and insert: they were struck and killed by a motorist, and

House Amendment 2 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. That portion of State Road A1A in Brevard County from the Eau Gallie Causeway to the north city limits of Satellite Beach is hereby designated as the Hartmann Flagg Highway.

Section 2. The Department of Transportation is directed to erect suitable markers designating the Hartmann Flagg Highway as described in section 1.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Strike the entire title and insert: An act relating to road designations; designating a portion of Highway A1A in Brevard County as the Hartmann Flagg Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 3—On page 1, lines 8-26, strike all of said lines and insert:

WHEREAS, law enforcement officers are required to put their lives on the line each day in the performance of their duties, and

WHEREAS, law enforcement officers perform an indispensable function in our society in maintaining order and in rendering assistance to citizens in danger, and

WHEREAS, Edward Hartmann and Philip Flagg were law enforcement officers in Satellite Beach who were assisting another officer during a traffic stop on State Road A1A when they were struck and killed by a motorist, and

WHEREAS, the community of Satellite Beach will sorely miss these officers and shares a deep sense of loss with the police department and the family and friends of officers Edward Hartmann and Philip Flagg, and

WHEREAS, it is fitting and appropriate that the Legislature join the citizens of Brevard County in honoring these brave men who gave their lives for their community, NOW, THEREFORE,

On motions by Senator Diaz-Balart, the Senate concurred in the House amendments.

SB 6 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

RETURNING MESSAGES—FINAL ACTION

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed SB 34, CS for SB 132, CS for SB 160, CS for SB 224, SB 456, CS for SB 512, CS for SB 578, CS for SB's 582 and 584, CS for SB 586, CS for SB 1074, CS for SB 1112, SB 1122, CS for SB 1536; has adopted SM 1878.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 6

Yeas—38

Mr. President	Diaz-Balart	Jennings	Siegel
Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Boczar	Foley	Kirkpatrick	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	

Nays—None

SCR 8

Yeas—39

Mr. President	Diaz-Balart	Jenne	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

SB 84

Yeas—37

Mr. President	Casas	Dudley	Gutman
Beard	Childers	Dyer	Harden
Boczar	Crist	Foley	Hargrett
Brown-Waite	Dantzler	Forman	Holzendorf
Burt	Diaz-Balart	Grant	Jennings

Johnson
Jones
Kirkpatrick
Kiser
Kurth

McKay
Meadows
Myers
Scott
Siegel

Silver
Sullivan
Thomas
Turner
Weinstein

Wexler
Williams

Nays—None

SB 90

Yeas—38

Mr. President	Diaz-Balart	Jenne	Siegel
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Gutman	Kurth	Wexler
Childers	Harden	McKay	Williams
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

SB 134

Yeas—37

Mr. President	Diaz-Balart	Jennings	Silver
Bankhead	Dudley	Johnson	Sullivan
Beard	Dyer	Jones	Thomas
Boczar	Foley	Kiser	Turner
Brown-Waite	Forman	Kurth	Weinstein
Burt	Grant	McKay	Wexler
Casas	Gutman	Meadows	Williams
Childers	Hargrett	Myers	
Crist	Holzendorf	Scott	
Dantzler	Jenne	Siegel	

Nays—None

CS for SB 148

Yeas—37

Mr. President	Diaz-Balart	Jenne	Silver
Bankhead	Dudley	Jennings	Sullivan
Beard	Dyer	Johnson	Thomas
Boczar	Foley	Jones	Turner
Brown-Waite	Forman	Kirkpatrick	Weinstein
Burt	Grant	Kiser	Wexler
Casas	Gutman	Kurth	Williams
Childers	Harden	Meadows	
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Siegel	

Nays—None

CS for CS for SB 162

Yeas—38

Mr. President	Diaz-Balart	Jenne	Siegel
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Gutman	Kurth	Wexler
Childers	Harden	McKay	Williams
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

CS for SB 166

Yeas—38

Mr. President	Diaz-Balart	Jenne	Siegel
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Gutman	Kurth	Wexler
Childers	Harden	McKay	Williams
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

CS for SB 198

Yeas—39

Mr. President	Diaz-Balart	Jenne	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

CS for SB 282

Yeas—38

Mr. President	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

SB 326

Yeas—37

Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Williams
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

SB 410

Yeas—38

Mr. President	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

CS for SB 440

Yeas—37

Mr. President	Diaz-Balart	Jenne	Silver
Bankhead	Dudley	Jennings	Sullivan
Beard	Dyer	Johnson	Thomas
Boczar	Foley	Jones	Turner
Brown-Waite	Forman	Kirkpatrick	Weinstein
Burt	Grant	Kiser	Wexler
Casas	Gutman	Kurth	Williams
Childers	Harden	Meadows	
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Siegel	

Nays—None

CS for SB 450—Amendment 1

Yeas—15

Beard	Crist	Harden	Kurth
Brown-Waite	Dantzler	Holzendorf	Myers
Casas	Dudley	Kirkpatrick	Thomas
Childers	Foley	Kiser	

Nays—19

Bankhead	Forman	Jones	Turner
Boczar	Gutman	Meadows	Weinstein
Burt	Hargrett	Siegel	Wexler
Diaz-Balart	Jennings	Silver	Williams
Dyer	Johnson	Sullivan	

CS for SB 450

Yeas—25

Boczar	Dyer	Jennings	Sullivan
Brown-Waite	Forman	Johnson	Turner
Burt	Gutman	Kiser	Weinstein
Casas	Harden	Kurth	Wexler
Crist	Hargrett	Meadows	
Diaz-Balart	Holzendorf	Siegel	
Dudley	Jenne	Silver	

Nays—10

Bankhead	Dantzler	Jones	Williams
Beard	Foley	Kirkpatrick	
Childers	Grant	Myers	

SB 498

Yeas—36

Mr. President	Bankhead	Beard	Boczar
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Brown-Waite	Dyer	Jennings	Siegel
Burt	Foley	Johnson	Silver
Casas	Forman	Jones	Sullivan
Childers	Grant	Kirkpatrick	Thomas
Crist	Gutman	Kiser	Turner
Dantzler	Harden	Kurth	Weinstein
Diaz-Balart	Holzendorf	Meadows	Wexler
Dudley	Jenne	Myers	Williams

Nays—None

CS for SB 598

Yeas—34

Mr. President	Dantzler	Hargrett	Siegel
Bankhead	Diaz-Balart	Holzendorf	Silver
Beard	Dudley	Jennings	Sullivan
Boczar	Dyer	Johnson	Thomas
Brown-Waite	Foley	Jones	Turner
Burt	Forman	Kirkpatrick	Weinstein
Casas	Grant	Kurth	Williams
Childers	Gutman	Meadows	
Crist	Harden	Myers	

Nays—None

SB 656

Yeas—36

Mr. President	Dantzler	Holzendorf	Scott
Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	Meadows	Wexler
Crist	Hargrett	Myers	Williams

Nays—None

SB 674

Yeas—37

Mr. President	Dyer	Johnson	Silver
Beard	Foley	Jones	Sullivan
Boczar	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	
Dudley	Jennings	Siegel	

Nays—None

SB 710

Yeas—36

Mr. President	Dudley	Jenne	Myers
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Thomas
Childers	Gutman	Kiser	Turner
Crist	Harden	Kurth	Weinstein
Dantzler	Hargrett	McKay	Wexler
Diaz-Balart	Holzendorf	Meadows	Williams

Nays—None

CS for SB 770

Yeas—36

Mr. President	Dudley	Jennings	Scott
Beard	Dyer	Johnson	Siegel
Boczar	Foley	Jones	Silver
Burt	Forman	Kirkpatrick	Sullivan
Casas	Grant	Kiser	Thomas
Childers	Gutman	Kurth	Turner
Crist	Harden	McKay	Weinstein
Dantzler	Hargrett	Meadows	Wexler
Diaz-Balart	Holzendorf	Myers	Williams

Nays—None

CS for SB 910

Yeas—37

Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Gutman	Kurth	Wexler
Childers	Harden	McKay	Williams
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Siegel	

Nays—None

CS for SB 912

Yeas—37

Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Boczar	Foley	Kirkpatrick	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Holzendorf	Myers	
Dantzler	Jenne	Scott	
Diaz-Balart	Jennings	Siegel	

Nays—None

CS for SB 916

Yeas—36

Bankhead	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Thomas
Casas	Grant	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 980

Yeas—37

Mr. President	Beard	Brown-Waite	Casas
Bankhead	Boczar	Burt	Childers

Crist
Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Gutman

Harden
Hargrett
Holzendorf
Jenne
Jennings
Johnson
Jones
Kirkpatrick

Kiser
Kurth
McKay
Meadows
Myers
Siegel
Silver
Sullivan

Thomas
Turner
Weinstein
Wexler
Williams

CS for SB 1106

Yeas—36

Mr. President	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Thomas
Casas	Grant	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

SB 1006

Yeas—35

Mr. President
Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crist

Dantzler
Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Gutman
Harden

Hargrett
Holzendorf
Jennings
Johnson
Jones
Kirkpatrick
Kiser
Kurth
Meadows

Myers
Siegel
Silver
Sullivan
Thomas
Turner
Weinstein
Williams

Nays—None

CS for SB 1194

Yeas—35

Mr. President	Dantzler	Holzendorf	Siegel
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Boczar	Foley	Johnson	Thomas
Brown-Waite	Forman	Jones	Turner
Burt	Grant	Kiser	Weinstein
Casas	Gutman	Kurth	Wexler
Childers	Harden	Meadows	Williams
Crist	Hargrett	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

CS for SB 1066

Yeas—38

Mr. President
Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Gutman
Harden
Hargrett
Holzendorf

Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kiser
Kurth
McKay
Meadows
Myers

Siegel
Silver
Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

CS for SB 1070

Yeas—33

Beard
Boczar
Burt
Casas
Childers
Crist
Dantzler
Diaz-Balart
Dudley

Dyer
Foley
Forman
Grant
Gutman
Harden
Holzendorf
Jenne
Jennings

Jones
Kirkpatrick
Kiser
Kurth
McKay
Meadows
Myers
Siegel
Silver

Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

CS for SB 1082

Yeas—35

Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crist
Dantzler

Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Gutman
Harden
Holzendorf

Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kurth
McKay
Meadows
Myers

Siegel
Silver
Sullivan
Thomas
Turner
Weinstein
Wexler
Williams

Nays—None

CS for SB 1212

Yeas—38

Mr. President	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

CS for SB 1506

Yeas—36

Mr. President	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Scott
Boczar	Dyer	Johnson	Siegel
Brown-Waite	Foley	Jones	Silver
Burt	Forman	Kirkpatrick	Sullivan
Casas	Grant	Kiser	Thomas
Childers	Gutman	Kurth	Turner
Crist	Harden	McKay	Weinstein
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for SB 1552

Yeas—37

Mr. President	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Boczar	Foley	Kirkpatrick	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Hargrett	Meadows	Williams
Crist	Holzendorf	Myers	
Dantzler	Jenne	Scott	
Diaz-Balart	Jennings	Siegel	

Nays—1

Harden

CS for SB 1958

Yeas—37

Mr. President	Dyer	Johnson	Silver
Beard	Foley	Jones	Sullivan
Boczar	Forman	Kirkpatrick	Thomas
Brown-Waite	Grant	Kiser	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	McKay	Wexler
Childers	Hargrett	Meadows	Williams
Crist	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	
Dudley	Jennings	Siegel	

Nays—None

CS for SB 1980

Yeas—35

Mr. President	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kiser	Thomas
Burt	Forman	Kurth	Turner
Casas	Grant	McKay	Weinstein
Childers	Gutman	Meadows	Wexler
Crist	Harden	Myers	Williams
Dantzler	Holzendorf	Scott	

Nays—None

SB 1640

Yeas—37

Mr. President	Diaz-Balart	Jennings	Silver
Bankhead	Dudley	Johnson	Sullivan
Beard	Dyer	Jones	Thomas
Boczar	Foley	Kirkpatrick	Turner
Brown-Waite	Forman	Kiser	Weinstein
Burt	Grant	Kurth	Wexler
Casas	Gutman	McKay	Williams
Childers	Harden	Meadows	
Crist	Holzendorf	Myers	
Dantzler	Jenne	Siegel	

Nays—1

Hargrett

ROLL CALLS ON HOUSE BILLS

CS for CS for HB 137

Yeas—38

Mr. President	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

CS for SB 1680

Yeas—38

Mr. President	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

CS for HB 157

Yeas—37

Mr. President	Dyer	Johnson	Silver
Beard	Foley	Jones	Sullivan
Boczar	Forman	Kirkpatrick	Thomas
Brown-Waite	Grant	Kiser	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	
Dudley	Jennings	Siegel	

Nays—None

Vote after roll call:

Yea—Childers

SB 1810

Yeas—37

Mr. President	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	
Diaz-Balart	Jenne	Siegel	

Nays—None

HB 259

Yeas—36

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzen	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Jones	Thomas
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Gutman	Kurth	Wexler
Crist	Harden	Meadows	Williams

Nays—None

CS for HB 561

Yeas—37

Mr. President	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Holzen	Scott	
Diaz-Balart	Jenne	Siegel	

Nays—None

HB 611

Yeas—36

Bankhead	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Thomas
Casas	Grant	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Holzen	Meadows	Williams

Nays—None

HB 781

Yeas—35

Mr. President	Diaz-Balart	Holzen	Myers
Bankhead	Dudley	Jennings	Scott
Beard	Dyer	Johnson	Siegel
Boczar	Foley	Jones	Silver
Burt	Forman	Kirkpatrick	Thomas
Casas	Grant	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	

Nays—None

HB 1037

Yeas—38

Mr. President	Brown-Waite	Childers	Diaz-Balart
Beard	Burt	Crist	Dudley
Boczar	Casas	Dantzler	Dyer

Foley	Jenne	McKay	Thomas
Forman	Jennings	Meadows	Turner
Grant	Johnson	Myers	Weinstein
Gutman	Jones	Scott	Wexler
Harden	Kirkpatrick	Siegel	Williams
Hargrett	Kiser	Silver	
Holzen	Kurth	Sullivan	

Nays—None

CS for HB 1141

Yeas—38

Mr. President	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzen	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

HB 1149

Yeas—37

Mr. President	Dyer	Johnson	Silver
Beard	Foley	Jones	Sullivan
Boczar	Forman	Kirkpatrick	Thomas
Brown-Waite	Grant	Kiser	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	McKay	Wexler
Childers	Hargrett	Meadows	Williams
Crist	Holzen	Myers	
Diaz-Balart	Jenne	Scott	
Dudley	Jennings	Siegel	

Nays—None

HB 1481

Yeas—34

Mr. President	Diaz-Balart	Johnson	Silver
Bankhead	Dudley	Jones	Sullivan
Beard	Dyer	Kirkpatrick	Thomas
Boczar	Foley	Kiser	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Harden	McKay	Wexler
Casas	Hargrett	Meadows	Williams
Childers	Holzen	Myers	
Crist	Jennings	Siegel	

Nays—None

HB 1619

Yeas—35

Mr. President	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Holzen	Meadows	Williams
Dantzler	Jenne	Myers	

Nays—None

HB 1819

Yeas—38

Mr. President	Diaz-Balart	Jennings	Siegel
Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Boczar	Foley	Kirkpatrick	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	

Nays—None

HB 2057

Yeas—37

Bankhead	Dyer	Johnson	Silver
Beard	Foley	Jones	Sullivan
Boczar	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	
Dudley	Jennings	Siegel	

Nays—None

HB 2065

Yeas—37

Mr. President	Diaz-Balart	Johnson	Silver
Bankhead	Dudley	Jones	Sullivan
Beard	Dyer	Kirkpatrick	Thomas
Boczar	Foley	Kiser	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Harden	McKay	Wexler
Casas	Hargrett	Meadows	Williams
Childers	Holzendorf	Myers	
Crist	Jenne	Scott	
Dantzler	Jennings	Siegel	

Nays—None

HB 1863

Yeas—37

Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Williams
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

HB 2273

Yeas—35

Bankhead	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

HB 1865

Yeas—35

Bankhead	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Gutman	Kiser	Weinstein
Crist	Harden	Kurth	Wexler
Dantzler	Hargrett	Meadows	Williams
Diaz-Balart	Holzendorf	Myers	

Nays—None

HB 2287

Yeas—36

Bankhead	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Thomas
Casas	Grant	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

HB 1895

Yeas—38

Mr. President	Diaz-Balart	Jenne	Siegel
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Gutman	Kurth	Wexler
Childers	Harden	McKay	Williams
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

HB 2307

Yeas—36

Bankhead	Boczar	Burt	Childers
Beard	Brown-Waite	Casas	Crist

Dantzler	Gutman	Kirkpatrick	Silver
Diaz-Balart	Harden	Kiser	Sullivan
Dudley	Holzendorf	Kurth	Thomas
Dyer	Jenne	McKay	Turner
Foley	Jennings	Meadows	Weinstein
Forman	Johnson	Myers	Wexler
Grant	Jones	Siegel	Williams

Nays—None

VOTES RECORDED AFTER ROLL CALL

On motion by Senator Childers, by unanimous consent of the Senate, he was recorded as voting "yea" on **CS for HB 157**.

On motion by Senator Diaz-Balart, by unanimous consent of the Senate, he was recorded as voting "yea" on **CS for SB 1194**.

ENROLLING REPORTS

Senate Bills 276, 948 and 1200 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 19, 1993.

SB 150, CS for SB 196 and CS for SB's 200 and 300 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 22, 1993.

SB 1122 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 23, 1993.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 18 was corrected and approved.

CO-SPONSORS

Senator Brown-Waite—SB 90; Senator Williams—SB 174, SB 188, SB 262, CS for SB 312, SB 386, SB 414, CS for SB 1018, SB 1378, SB 1400, SB 1688, SB 1792; Senator Boczar—SB 424; Senator Myers—SB 474, CS for SB 754, SB 958; Senator Grogan—CS for SB 722, SB 1378; Senator Hargrett—SB 742; Senator Crist—SB 952; Senator Gutman—CS for SB 1218; Senator Johnson—SB 1412; Senator Forman—SB 1840; Senators Foley and McKay—SB 2214

Senator Hargrett withdrew as a co-sponsor of SB 796.

RECESS

On motion by Senator Jennings, the Senate recessed at 4:39 p.m. to reconvene at 2:00 p.m., Thursday, March 25.

SENATE PAGES

March 22-26

Cory Balzano, Coral Springs; Christina Lyn Blackman, Clearwater; NaKia LaTishia Bowling, Miami; Kindra Brisch, Pensacola; Kevin Todd Clark, Ocala; Lee Bett Cullen, St. Petersburg; Mitchell Davis III, Land O'Lakes; Jennifer Alison Hartnett, Coral Gables; Parker M. Hightower, Jacksonville; Laura Jenkins, St. Petersburg; Elizabeth Matthews, Lakeland; Sean C. McManus, Atlantic Beach; Daniel George Melzer, Chatahoochee; Girardeau Franz Nesbitt, Jr., Jacksonville; Al Noah, Tallahassee; Penni Tinsley, Winter Haven; Angel Profit, Ft. Lauderdale; Keshia Michelle Ramos, Dade City; Hubert Seales, Palatka; Allison Stein, Parkland; Joseph T. Vitt, St. Petersburg